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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **FAO 172/2023 & CM APPL. 36129/2023 CM APPL. 36131/2023**
CM APPL. 19122/2024
NANAK RAM SANGHIAppellant
Through: Dr Amit Mishra, Advocate
versus
SEVTI DEVI & ORS.Respondents
Through: Mr. Prag Chawla, Mr. Sanjeev
Chauhan and Ms. Jaspreet Kaur
Advocates for respondent Nos. 1 to 3
Ms. Arti Bansal and Ms. Shruti Goel,
Advocates for DDA

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

11.02.2026

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1. The present appeal has been filed under order 43 rule 1(r) of The Code of Civil Procedure, 1908 (CPC) directed against the order dated 16.01.2023 passed by the learned ADJ, North, Rohini Court, Delhi whereby the appellant's application under Order 39 Rule 1 and 2 of the CPC in civil suit no. 592/2022 titled as "Nanak Ram Sanghi & Anr. v. Sevti Devi & Ors." came to be dismissed.
2. Briefly stated, the appellant/plaintiff has filed the underlying suit for declaration, recovery of money, permanent as well as mandatory injunction. In the plaint, it is averred that the defendant nos. 1, 2 & 3 are the wife, son and daughter-in-law respectively of the plaintiff. The plaintiff, was deputed by the Government of India to work with the Government of Qatar in the year 1978 and had been residing and working there, though he used to visit India regularly. It was claimed that respondent no.5/DDA conducted auction of plot no. 14, Block A1, Prashant Vihar, Delhi (hereinafter referred to as



the 'suit property') and allotted the same in the year 1981. It was claimed that the plaintiff had paid for the allotment as well as the purchase price from his hard-earned money and had taken the allotment in the joint name of the appellant and respondent no.1, who did not pay any money towards the consideration/allotment charges of the suit property. It was further averred that the sanction for construction was also allowed in the joint names of the appellant as well as respondent no.1 vide sanction letter dated 05.01.1989.

3. It was claimed that the appellant noted change of attitude of the respondents (defendant nos.1 to 3) against him, and that they started behaving in a hostile manner towards him. He further came to know in July 2022 that the respondent no.1 had fraudulently got the conveyance deed executed in her own name from respondent no.5/DDA. It was also alleged that respondent no.1 had further surreptitiously gifted the said suit property to respondent nos. 2 & 3.

4. On the strength of above allegation, the appellant had sought decree of declaration seeking that the appellant be declared as rightful owner of the suit property. Further declaration was sought to the effect that the conveyance deed executed in favour of respondent no.1/defendant no.1 be declared null and void. The appellant also prayed for recovery of a sum of Rs.1,08,84,456/- from respondent nos.1 to 3, being the rent for the last three years. Further, injunction was sought seeking restraint on respondent nos.1 to 3 from creating any third-party rights on the suit property as well as a mandatory injunction thereby directing to respondent nos.1 to 3 to vacate the suit property.

5. The Trial Court vide the impugned judgment while dismissing the subject application took into account the written statement filed by



respondent nos.1 to 3 as well as respondent no.5/DDA. The Court held that the appellant failed to place on record any documents of ownership in his favour, payment of auction money/allotment charges or even construction of the suit property. The only document placed on record by the appellant was the communication dated 05.01.1989 issued by respondent no.5/DDA, whereby sanction was granted to construct the building in the joint name of appellant and respondent no.1.

6. On the other hand, respondent nos.1 to 3 have placed on record a copy of acknowledgement receipts dated 05.11.1981, the perpetual lease dated 13.08.1982, the possession letter dated 10.02.1982 and conveyance deed dated 24.09.1999, all in the name of respondent no.1/defendant no.1. Defendant no.5/respondent no.5/DDA has also placed on record its written statement, as per which the suit property was auctioned on 05.11.1981, which was purchased by respondent no.1. Upon acceptance of the bid by the competent authority, a demand-cum-allotment letter dated 18.12.1981 was issued to respondent no.1 and on realization of the bid amount, possession of the suit property was handed over on 18.02.1982, and lease deed was executed on 13.08.1982 in favour of respondent No.1. The Building Department of the DDA/respondent no.5 also issued Form D on 13.12.1990. On request received from respondent no.1 for conversion of the suit property from lease hold to free hold, the conveyance deed was executed in favour of respondent no.1 on 24.09.1999. Respondent no.5/DDA had initiated action against respondent no.1 for misusing the suit property and, for this reason, the suit property was reverted back to lease hold. A Civil Writ Petition No.2115/2011, came to be filed by respondent no.1, wherein this Court, vide judgment dated 23.08.2022 granted



respondent no.1 time for rectification of the illegal portion of construction other than compoundable deviations.

7. It is also borne out from the record that respondent no.1 executed gift deed/sale deed dated 01.07.2015, 06.09.2022 in favour of respondent/defendant no.3; gift deed dated 01.07.2015 and 07.09.2022 in favour of respondent no.2; and gift deed dated 06.09.2022 in favour of Smt *Neelu Sanghi*.

8. As noted above, it is apparent that the appellant while claiming ownership of the suit property, has failed to produce any document on record in support of the said claim, except for one sanction letter permitting construction, which was issued in the joint names of the appellant and respondent no.1 which, concededly does not confer any title or ownership on the appellant.

9. On the other hand, the stand of respondent no.1 as well as respondent no.5/DDA from the written statement's *prima facie* reflects that all the ownership/possession documents were executed in the name of respondent no.1/defendant no.1.

10. In the aforesaid backdrop, this Court finds no ground to interfere with the impugned order and the same is upheld.

11. Consequently, the appeal is dismissed. The pending applications shall stand disposed of.

MANOJ KUMAR OHRI, J

FEBRUARY 11, 2026

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