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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ RSA 95/2025, CM APPL. 36432-36439/2025

RAGHBAR SINGH (DECEASED) THR LRS.Appellant

Through: Mr. S.S. Rawat, Advocate

versus

DEHAT YUVA VIKAS SANSTHAN AND ORS.Respondents

Through: Mr. Anuj Aggarwal, Mrs. Manika V. Aggarwal, Mr. Vikrant Chawla, Mr. Mayank Chauhan and Mr. Prabhav Pachauri, Advocates for R-1 & R-2

Mr. Sumit K. Batra, Advocate for R-3

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

% **09.02.2026**

1. Regular Second Appeal under Section 100 of the Code of Civil Procedure, 1908 has been filed to challenge the Order dated 08.01.2025 of learned District Judge in RCA DJ No. 12/2023 whereby the judgment of the learned Civil Court dated 15.05.2012 rejecting the Suit of the Plaintiff of Permanent and Mandatory Injunction, has been upheld.
2. Essentially, the Plaintiff had filed a Suit for Permanent and Mandatory Injunction in respect of Khasra No. 806 admeasuring 3 bighas 18 biswas situated in village Ghonda Gujran Khadar.
3. The Plaintiff asserted that he had inherited this property from his ancestors to the extent of half share each, as reflected in Khatauni. The Suit Property is a part of Khasra No. 806 admeasuring 300 sq. yards while the remaining land out of the Khasra was sold to different purchasers through



GPA and other documents of conveyance.

4. The Plaintiff claimed that he had raised construction of several shops over the Suit Property and had left a passage for the user of the occupants of the shops constructed by them, which too is part of Khasra No. 806. It was claimed that Defendant No. 1 is a Society running an educational institution under the name and style of Vijay Jyoti Public School situated at northern side of Suit Property and is built on portion of Khasra No. 804 and 807. No part of Khasra No. 806 is under the occupation and possession of Defendant No. 1.

5. Defendant No. 2 is running the institution as Chairman and Defendant No. 3 is its Manager and they had no right title interest in the Suit Property. However, with the *mala fide* intention of grabbing the properties of the Plaintiff by hook or by crook, Plaintiff was served with various Notices from the Office of Defendant No. 4 calling upon him to attend the Meeting in conjunction with the handing over of Vijay Jyoti Co-educational Middle School to Defendant No. 1 Society. The Plaintiffs apprehending forcible dispossession from the shops and the land beneath, filed a Suit for Permanent and Mandatory Injunction

6. The Suit was contested by **Defendant No. 1 and 2** who took who took the **preliminary objection** in the Written Statement that the Plaintiffs were not in possession of Suit Property. It was claimed that Defendant No. 2 was the owner of the land underneath the School, which was totally urbanized and formed part of Khasra No. 804 and 807.

7. It was further stated that the Management of the property was taken over by Government under Delhi Education Act, with tenants of the shop, who were paying the rent. Even according to their own showing, the



Plaintiffs had sold alienated Khasra No. 808, without any details. The Defendants claimed that the Plaintiff had not even remotest connection or occupation or possession, of an inch of the Suit Property.

8. It was further stated that the Plaintiff is not even aware about the business being done and by whom in the shop, was being run in the premises since 1973 and who is continuing to occupy the same till date. The Plaintiff has filed a false Suit under the shelter of Revenue entries of Khasra No. 806 which has nothing to do with the School. It was thus, submitted that the Suit of the Plaintiff was liable to be dismissed.

9. ***Learned Civil Judge*** in the detailed judgment observed that the Management of the School was taken over by the Government in 1991 and was handed over to Defendant No. 1 and 2 in August, 2003. As per the site plan Ex. DW1/1 prepared at that time, 18 shops were reflected which were taken over by the Government as part of the School Property which was taken over by the Directorate of Education and was handed over to the Defendants, *vide* Order dated 12.08.2003 Ex. DW1/3.

10. On the other hand, the Plaintiff had not produced any documentary evidence to prove that these shops fall in Khasra No. 806 of that they were the owners and in possession of these shops. The oral testimony of PW1 was not sufficient to establish the possession or ownership. Furthermore, PW1 in his cross-examination admitted that the lock and key of the School was in possession of the officials of the School, meaning thereby that the Plaintiff was not in possession of the Suit Property on the date of filing of the Suit.

11. Considering all these aspects, the Suit of the Plaintiff was dismissed.

12. The learned District Judge in the Appeal RCA DJ 12/2023 considered the judgment on merits and concurred with the learned Trial Court and



dismissed the Appeal.

13. ***The Second Regular Appeal*** has been now preferred by the Appellant. On being asked if there were any substantial question of law arising in the present Appeal, it is only stated that the judgment of the learned Appellate Court is based on surmises and conjectures and vagueness and that the Decree has caused grave miscarriage of justice, to the Appellant.

14. The impugned judgment violates principles of natural justice, equity and good conscious and is contrary to the records. However, the none of these aspects raise any substantial question of law.

15. The learned Trial Court has in detail, appreciated the evidence led by the parties to conclude that there was no document produced by the Plaintiff Appellant in support of he being the owner of the Suit shops.

16. The learned ASJ has also upheld the findings of the learned District Judge. No question of law is raised in the present Appeal, which is hereby dismissed. Pending Applications are also disposed of accordingly.

NEENA BANSAL KRISHNA, J.

FEBRUARY 9, 2026

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