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

5 **FAO(OS) 229/2019**

SUDHIR KUMAR GUPTAAppellant

Through: Mr. Shiv Charan Garg, Mr.
Imran Khan, Ms. Jahanvi Garg
and Ms. Chanchal Garg, Adv.

versus

RAVINDRA KUMAR GUPTA & ORSRespondents

Through: Mr. Varun Nischal and Ms.
Saira Tagra, Advocates for R-1
along with R-1.
Mr. Viney Sharma, Adv. for R-
8.

6 **FAO(OS) 232/2019**

ABHA GUPTAAppellant

Through: Mr. Viney Sharma, Adv.

versus

RAVINDRA KUMAR GUPTA & ORSRespondents

Through: Mr. Varun Nischal and Ms.
Saira Tagra, Advocates for R-1
along with R-1.
Mr. Shiv Charan Garg, Mr.
Imran Khan, Ms. Jahanvi Garg
and Ms. Chanchal Garg, Adv.
for R-2.

7+ **FAO(OS) 259/2019, CM APPL. 55130/2019**

RAVINDER KUMAR GUPTAAppellant

Through: Mr. Varun Nischal and Ms.
Saira Tagra, Advocates along
with appellant.

versus



ABHA GUPTA & ORS

.....Respondents

Through: Mr. Viney Sharma, Adv. for R-1.
Mr. Shiv Charan Garg, Mr. Imran Khan, Ms. Jahanvi Garg and Ms. Chanchal Garg, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE VIVEK CHAUDHARY

HON'BLE MS. JUSTICE RENU BHATNAGAR

ORDER

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11.03.2026

1. All the above three appeals arise out of the same Order dated 04.09.2019 passed by learned Single Judge in CS (OS) No. 528/2018.
2. The said Suit was filed by Smt. Abha Gupta against her other siblings, i.e, Ravindra Kumar Gupta/Defendant No. 1, Pradeep Kumar Gupta/ Defendant No. 2, Sh. Sudhir Kumar Gupta/Defendant No. 3, Sh. Rajendra Kumar Gupta/ Defendant No. 4, Sh. Devender Kumar Gupta/ Defendant No. 5, Sh. Mahender Kumar Gupta/ Defendant No. 6, Smt. Manju Gupta/ Defendant No. 7, Smt. Sunita Garg/ Defendant No. 8, all sons and daughters of late Ved Prakash Gupta, seeking partition of two properties bearing Nos. (i) C-268A, Gali No. 9, Bhajanpura, Delhi-110085 and (ii) Plot No, 9, Block Pocket -3, Sector -3, Rohini, Delhi – 110085, by metes and bounds, claiming the following reliefs:

“a) Pass a preliminary decree for partition of the properties bearing No. Plot No. 9, Block - A, Pocket -3, Sector -3 Rohini, Delhi -110085 measuring about 123.14 sq. mts and C -268 A, Gali no. 9, Bhajanpura, Delhi -110053



measuring about 202 sq. yds. by metes and bounds amongst plaintiff and defendants.

(b) Appoint a local commission with the direction to visit suit property & suggest the mode of partition of suit property.

(c) Pass a final decree for separating the shares of the plaintiff falling to her share alongwith all defendants of the parties concerned in respect of property bearing No. Plot No. 9, Block -A, Pocket -3, Sector -3, Rohini, Delhi -110085 measuring about 123.14 sq. mts. and C -268 A, Gali no. 9, Bhajanpura, Delhi -110053.

(d) Pass a decree of partition/distribution among legal heirs in equal share of moveable properties/assets as mentioned in para No. 8 & FDR i.e mentioned in para No. 13 which is illegally retained by the defendant.

(e) Pass decree of possession of:-

i. Plot No. 9, Block -A, Pocket -3, Sector -3, Rohini, Delhi - 110085 constructed on plot of land measuring 123.14 sq mts.

ii. C -268 A, Gali no. 9, Bhajanpura, Delhi -110053 constructed on plot of land.

(f) A decree of cancellation of relinquishment deed vide Reg. No. 5487, Addl. Book No. 1, Vol. No. 381, on pages 38 to 39 dated 04-07-1997 declaring it as null & void.

(g) Pass a decree of permanent injunction in favour of the plaintiff & against the defendants thereby restraining the defendants, their agents, representatives relatives, assignees, friends, associates etc. from selling, transforming, alienating or parting with possession or creating any third party interest in the suit property bearing No. Plot No. 9, Block -A, Pocket -3, Sector -3, Rohini, Delhi -



110085 measuring about 123.14 sq. mts. and C -268 A, Gali no. 9, Bhajanpura, Delhi - 110053 and further restrained them to make any addition, alteration, construction, demolition in any manner whatsoever in the suit property.

(h) Pass a Decree of Recovery of use & occupation charges/damages for a sum of Rs. 18,00,000/- i.e. the rate of Rs. 50,000/- p.m. from Defendant no. 1 for the period of Oct, 2015 to Sept, 2018 in favour of the Plaintiff with respect to Suit Property no. 1 and further allot her share of Rs. 2,00,000/- out of it. Also the amount which fall due to the plaintiff against the defendant with pendetelitte interest @ 24 % from of filing of suit and till the decretal amount is recovered.

(i) Pass an order if in case of finding of new information the plaintiff is at liberty to move an application under order 2 rule 2 CPC.

(j) As to cost of the suit be awarded in favour of the plaintiff and against the defendants.

(k) Pass such other or further orders as this Hon'ble court may deem fit and proper in the facts and circumstances of the case."

3. As there was no dispute *qua* the share of parties to the extent of 1/9th share in property of Bhajanpura, preliminary decree as well as final decree was passed by learned Single Judge, *qua* the said property, *vide* Impugned Order dated 04.09.2019. However, the dispute remained *qua* the property at Rohini as Defendant No. 1/Ravindra Kumar Gupta was claiming that the said property was bequeathed to him and Rajendra Kumar Gupta/ Defendant No. 4 on the one side and Smt. Abha Gupta/plaintiff on the other side in equal shares without the other defendants having share therein. Defendant



No. 1/Sh. Ravindra Kumar Gupta is admittedly in possession of Rohini property, but was pleading ignorance *qua* the mesne profits to the tune of ₹50,000 per month.

4. Smt. Abha Gupta/plaintiff has claimed in the Suit that Rohini property originally belonged to the mother of parties in which she, her deceased father, and other siblings had equal 1/10th share and that except plaintiff/Abha Gupta, and her Sister Smt. Sunita Garg/Defendant No. 8, all executed a Relinquishment Deed in favour of their father, of which, as claimed by Sh. Ravindra Kumar Gupta - Smt. Abha Gupta and Smt. Sunita Garg had the knowledge and so the Suit is barred by limitation. A Conveyance Deed was also executed by DDA, based on the Relinquishment Deed. He has also claimed that Rohini property was held as benami in the name of Mother of the parties being purchased by their father in the name of their mother.

5. Based on these pleadings/claims, all the Appellants in the above stated appeals pray for reframing of issues *qua* limitation and Relinquishment Deed.

6. It is contended by both sides that since Relinquishment Deed is in dispute from the side of some of parties and knowledge of its execution by Smt. Abha Gupta and Smt. Sunita Garg is also a disputed question of fact, the above stated issues are required to be framed on Relinquishment Deed and limitation. The decision on the execution of Relinquishment Deed, in consequence shall also have effect on the Conveyance Deed executed by DDA.

7. The learned counsel for the Sh. Ravindra Kumar Gupta also raised grievance to the observation of the learned Single Judge in the



Impugned Order, stating that it will impact his defence in the Suit, which is yet to be decided based on the evidence led by parties in the matter.

8. We have heard the learned counsel for the parties.

9. In FAO(OS) 259/2019, the learned counsel for the appellant agrees, on instructions of his client who is present in-person, that he is not raising any dispute with regard to *mesne profits* of the property which is assessed @ Rs. 50,000/- per month.

10. Parties also agree for the following issues to be further framed in addition to the earlier framed issues:

- (ia) Whether the Relinquishment Deed dated 04.07.1997 allegedly executed by the Defendant Nos. 1 to 7 in favour of their deceased father, late Ved Prakash Gupta is liable to be cancelled? If so, to what effect? (O.P.P)
- (ib) Whether the suit is barred by limitation ? (O.P.D1)
- (ic) Whether the plaintiff is entitled to the decree of partition, possession, cancellation, and recovery of *mesne profits*? (O.P.P)

11. It is further made clear that any observation given in the impugned Order shall not come in the way of either of the parties at the time of hearing of the matter and the matter shall be heard independent of any observation made in the impugned Order.

12. We are informed that the evidence of the parties had already started before the learned Single Judge.

13. Accordingly, parties are permitted to lead further evidence on these aforesaid additional issues, as per the directions to be passed by the learned Single Judge in pursuance to the Order passed today.

14. With these observations, all the three appeals, including



pending applications, if any, stand disposed of.

15. Parties are directed to appear before the learned Single Judge on 25.03.2026.

VIVEK CHAUDHARY, J

RENU BHATNAGAR, J

MARCH 11, 2026

p/ka/ht