



* IN THE HIGH COURT OF DELHI AT NEW DELHI

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*Reserved on: 17th April, 2026
Pronounced on: 27th July, 2026*

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RFA 376/2026, CM APPL. 25047-48/2026 & 25050-51/2026

1. **SANTOSH KUMARI (NOW DECEASED)
THR LR SH. SATISH GUPTA**

and

2. **SH. NARENDER GUPTA**

Both

(Sons / LRs of Late Smt. Santosh Kumari)

S/o Late Sh. Ishwar Dass,

R/o H. No.53, Deepali, Pitampura, Delhi.

.....Appellants

Through: Mr. Kashish Arora, Advocate.

versus

1. **SH. LOKESH YADAV**

S/o Late Sh. Mahinder Singh Yadav

R/o H.No. 24, Village Haider Pur, Delhi.

2. **SH. MANN SINGH**

S/o Late Sh. Moola Ram,

R/o H.No. 25, Village Haider Pur, Delhi.

.....Respondents

Through: Mr. Ankit Rana, Advocate.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T

NEENA BANSAL KRISHNA, J.

CM APPL. 25049/2026

1. **Application** under Section 5 of the Limitation Act, 1963 read with Section 151 of the Code of Civil Procedure, 1908 (*hereinafter referred to as*



“CPC”) has been preferred by the Appellants seeking condonation of delay of 1050 days in filing the present Regular First Appeal.

2. It was claimed that the Appellant being aggrieved by the Judgment dated **20.02.2023**, had initially filed an Appeal in the year 2023, however, objections were taken by the Registry that the Appellant ought to file a Revision Petition, since an Appeal was not maintainable.

3. Consequently, the Appellant filed a Civil Revision Petition bearing **C.R.P 118/2023**. However, during the course of arguments, an objection was taken in regards to the maintainability of the said Revision Petition. Therefore, this Court, *vide* Order dated **15.01.2026**, permitted the Appellant to withdraw the aforesaid Revision Petition, with liberty to file an Appeal. This Court further observed that, the time taken in pursuing the said Revision Petition may not be considered, while calculating limitation for filing present Regular First Appeal.

4. Therefore, it is submitted that delay of 1050 days in the present Regular First Appeal be condoned.

Submissions heard and record perused.

5. It is evident that though in the first instance, the Appellant had chosen to file an Appeal in the year 2023, however, a Revision Petition, bearing **C.R.P 118/2023**, got filed on account of objections taken by the Registry, which, in fact, was incorrect according to law.

6. In the present case, it is evident that delay of 1050 days in filing the present Regular First Appeal had accrued on account of the aforesaid Revision Petition, which got filed instead of the present Appeal. It further accrued on account of the time taken by the Appellant in pursuing the Revision Petition. Thus, the time spent by the Appellant in perusing the



aforesaid remedy, though under an erroneous belief, appears to have been *bona fide*.

7. In view of the aforesaid discussion, for the reasons stated in the Application, the same is allowed and delay of 1050 days in filing present Regular First Appeal, is condoned.

8. The Application stands disposed of.

RFA 376/2026:

9. **Regular First Appeal** under Section 96 read with Order XLI Rule 1 of the CPC has been preferred by the *Plaintiff/Appellant, Smt. Santosh Kumari* against Judgment dated **20.02.2023**, whereby the Suit for Restoration of Possession and Permanent Injunction filed by her, *has been rejected by the learned Additional District Judge, under Order VII Rule 11 CPC.*

10. The Plaintiff had filed a Suit bearing **CS DJ No.343/2020**, under ***Section 6 of the Specific Relief Act, 1963 seeking Restoration of Possession and Permanent Injunction against the Defendants/Respondents.***

11. The **brief facts**, as narrated in the Plaint, are that Plaintiff was the absolute owner of Plot No.9, admeasuring 557 sq. yards, Khasra No. 959-962/203, Khata No.56, situated in village Haiderpur, also known as Govind Nagar Extension, Delhi (*hereinafter referred to as the "suit property"*).

12. The Plaintiff claimed that, she had purchased the suit property *vide* GPA, Agreement to Sell, Affidavit, Receipt etc. all dated **10.10.1979**, from one *Shri Om Parkash* son of *Shri Tara Chand*, the attorney of *Sh. Mam Chand s/o Sh. Ramla, Sh. Chottu s/o Sh. Nanak* and *Sh. Lakhi Chand s/o Sh. Meeru*, for a Sale Consideration of Rs. 8,000/-. At the relevant time, the



aforesaid people were the Bhommidars and their names were mentioned in the Khasra Girdawri.

13. It was claimed that the Plaintiff, after purchasing the suit property in October 1979, constructed a plinth around the suit property, which was up to 3-4 feet in width and 6-7 feet in depth. She also constructed a boundary wall, measuring 8 feet high, towards the eastern, western and northern side of the suit property, while the boundary wall towards the southern side, was 16 feet tall and was a common wall between the owners of Plot Nos. 9 and 10. The Plaintiff also constructed one room measuring 10.5 x 10 feet. An iron gate was affixed on the entrance of the suit property. The Plaintiff claimed that she had spent an amount of Rs.15,000/-, on the aforesaid construction.

14. After raising the aforesaid construction on the suit property, the Plaintiff along with *Sh. Mahesh Chand Mahipal*, owner of adjoining Plot No. 10, approached the Tehsildar with a request to mutate the suit property, in her name. Accordingly, after taking consent from the then Bhoomidars, the Tehsildar endorsed the name of the Plaintiff in the Revenue Records, *vide* Rapat No.277.

15. In the year 1980, DDA tried to demolish the area surrounding the suit property as well as to dispossess the Plaintiff from the suit property. Aggrieved by the malicious acts of DDA, *Sh. Mahesh Chand Mahipal*, owner of Plot No.10, filed a Writ Petition before this Court bearing **W.P.(C) No. 969/1988**. The Petition was accompanied by an Application bearing **C.M. Appl. No.1296/1988**. The Division Bench of this Court *vide* Order dated **20.05.1988**, restrained DDA from demolishing the area surrounding



the suit property and likewise, restrained the Petitioners from making any addition, alteration in properties in the said area.

16. Thereafter, *DDA filed a Counter Affidavit in the aforesaid Writ Petition*, wherein it stated that the area in question was part of Khasra Nos. 957/201, 958/201 and 959-962/203. These Khasras had been acquired by virtue of Award No.50/80-81, though possession of the same could not be taken because of the built up at the site.

17. It was further stated that the area in question was duly declared as development area, after which it was transferred to MCD for controlling building activities therein. Thereafter, in 1980, Show Cause Notices with regards to the unauthorized construction were issued, however, none appeared and *Ex-parte* proceedings were undertaken and consequently the Demolition Order was passed. However, no demolition action was taken by the DDA. It was however, denied that any threat of demolition had been given to the Petitioners.

18. Subsequently, the Division Bench of this Court *vide* Order dated **25.09.1997** dismissed **W.P.(C) No. 969/1988**. Thereafter, *Sh. Mahesh Chand Mahipal* filed Special Leave Petition bearing **S.L.P(C) No.22806-818/1997** before the Supreme Court of India, which got dismissed *vide* Order dated **07.01.2000**.

19. In the meanwhile, *Sh. Satish Kumar*, son of the Plaintiff, on **01.10.1993**, had taken the Suit Property on rent at a monthly rent of Rs.500/- , for the purpose of running his oil business. During his tenancy, he had laid a flooring of bricks in the suit property, at his own expenses.

20. Subsequently, on **14.06.1994**, *Sh. Satish Kumar* applied for a license to run his factory, in the *Factory Licensing Department* of MCD, *vide*



Receipt No. 35958. MCD issued the requisite factory license to *Sh. Satish Kumar* for running his oil business, *vide* license No. 12020, dated **25.09.1995**.

21. However, since he was unable to get an electricity connection of 10 HP from the Electricity Department, as the area where the suit property was situated had not been electrified, *Sh. Satish Kumar* surrendered his tenancy rights on **15.07.1997** and handed over the vacant physical possession of the suit property to the Plaintiff.

22. The Plaintiff claimed that she was in physical possession of the suit Plot from 1979 till 20.09.2019, when she and her neighbour *Sh. Mahesh Chand Mahipal*, were dispossessed illegally and unauthorizedly, by the defendants.

23. It was further asserted that on 21.10.2005/24.10.2005, Defendant No. 2, *Sh. Mann Singh*, filed an Application for mutation of Khasra Nos. 959-962/203 in his name, in the office of tehsildar, Kanjhawala, Delhi.

24. *Sh. Mahesh Chand Mahipal*, on **04.11.2005**, filed a Criminal Complaint against Defendant No. 2 at Police Station Shalimar Bagh, in regard to illegal dispossession, which was registered by the Police, *vide* Diary No. 25A dated **06.11.2005**.

25. He, thereafter, filed a Suit for under Section 6 of the Specific Relief Act, 1963, seeking Restoration of Possession. On **12.01.2006**, the parties in that Suit compromised the matter and an Application under Order 23 Rule 3 of the CPC was filed along with the Compromise Deed.

26. The Plaintiff further asserted that on **20.09.2019**, between 7-8 AM, the Defendants along with their henchmen illegally, unauthorizedly without the consent of the Plaintiff, trespassed into the suit property and thereafter,



broke open the locks and demolished the boundary walls. The Defendants further demolished the room that was constructed on the suit property and also demolished the common wall between Plot Nos. 9 and 10. The Plaintiff claimed that she has been deprived of her lawful possession in the suit property and is entitled to restoration of her possession, from the Defendants.

27. The alleged incident was reported to Police Station Shalimar Bagh, whereafter, the Statement of *Sh. Satish Kumar*, son of the Plaintiff was recorded. However, no action was taken by the Police. Consequently, *Sh. Satish Kumar*, on **14.10.2019**, gave a written Complaint in the office of DCP, North-West, which led to registration of FIR No. 591/2019 under Sections 448/34 of the Indian Penal Code, 1860 (*hereinafter referred to as "IPC"*). The matter was thereafter, referred to District Investigation Unit (*hereinafter referred to as "DIU"*).

28. Thereafter, Inspector Sanjay Kumar issued a Notice dated **29.11.2019** to *Sh. Satish Kumar*, son of the Plaintiff, to produce the relevant documents pertaining to the suit property, which were duly submitted by him, to the DIU.

29. The Plaintiff claimed that she has been in continuous possession of the suit property since October, 1979 till 20.09.2019, when she was illegally dispossessed by the Defendants. Hence, she filed the present Suit under Section 6 of the Specific Relief Act, 1963 seeking Restoration of Possession and Permanent Injunction.

30. The Defendants moved an ***Application under Order VII Rule 11 of the CPC seeking rejection of the Suit of the Plaintiff***. It was asserted that the suit property had been acquired by DDA. Defendant No.1, *Sh. Lokesh*



Yadav had challenged the said acquisition before this Court *vide* **W.P.(C) 6990/2016**, on the ground that the acquisition had lapsed. The aforesaid Writ Petition was allowed by this Court, *vide* Order dated **20.12.2017**, which clearly shows that the Defendants along with legal heirs of *Smt. Brahma Devi* (widow of *Nathu Ram*), are the owners in possession of the suit property.

31. The Defendants had also filed another Writ Petition, bearing **W.P.(C) 9694/2018** before this Court, wherein *vide* order dated **14.09.2018**, this Court directed the concerned Revenue Department to conduct the demarcation of the suit property. Consequently, the demarcation of the Suit Property was conducted by the Office of SDM, Saraswati Vihar, Delhi, on **04.12.2018**.

32. It was further asserted that the Plaintiff had alleged that she was in possession of the suit property since October, 1979, but has not filed even a single document, in support thereof. Furthermore, the Plaintiff had not even applied for an electricity or water supply connection, which clearly reflects that she has never been in possession of the Suit Property.

33. The Defendants further asserted that as per the Revenue Records, the name of *Smt. Brahma Devi* (widow) and *Sh. Nathu Singh*, was reflected as the owners of property in Khasra No.203/204. The name of *Sh. Mamchand*, *Sh. Chotu* and *Sh. Lakhi*, from whom the Plaintiff claimed to have purchased the suit property, are not mentioned anywhere as the owners of the suit property. Thus, the Plaintiff cannot claim herself to be the owners and in possession of the Suit Property.

34. Furthermore, during the investigations in *FIR No. 591/2019*, the Investigating Officer had recorded the Statement of all concerned



Government officials from the Office of Tehsildar, Revenue Department, DDA; Office of Sub-Registrar and collected Records from the concerned Courts and had also summoned requisite Government record, regarding the suit property.

35. After thorough investigation, the I.O. found that the Plaintiff could not produce the GPA, in order to prove her claim of ownership. Moreover, no such record of alleged registered GPA was found in the Government Record, including the Office of the Sub-Registrar.

36. After completion of investigation in FIR No. 591/2019, **a Final Report** under 173 of the Code of Criminal Procedure, 1973 (*hereinafter referred to as "CrPC"*) had been filed on 28.07.2020, wherein it was stated that the documents, relied upon by the Plaintiff, were false and fabricated.

37. The Defendants thus, claimed that the documents on which the Plaintiff is relying, are forged, fabricated and have been used by her as genuine, to claim possession and title of the suit property. Despite that, the Plaintiff had filed the *present Civil Suit on 01.09.2020*, which clearly shows that even despite knowing her documents have been found to be forged and fabricated, the Plaintiff used the same documents to file the present Civil Suit.

38. The Defendants further asserted that Suit of the Plaintiff *is bad for non-joinder and mis-joinder of parties*. Neither, has it been *properly verified* by the Plaintiff, *nor proper Court Fee* had been affixed on the Suit. Moreover, *the Suit was barred by limitation*. It was claimed that there was *no cause of action disclosed* in the Plaint and also *the relief claim was barred under Specific Relief Act*.



39. The aforesaid Application under Order VII Rule 11 of the CPC was contested by the *Plaintiff*, who asserted that she is the owner of the suit property, as is evident from the Khasra Girdawri. FIR No. 591/2019 has already been registered against the Defendants as they are illegal occupants and the trial is required to authenticate these issues.

40. The *learned Additional District Judge, in the Order dated 20.02.2023* observed that self-contradictory stands had been taken by the Plaintiff. While in the Plaint, she had claimed that she was in continuous possession of the suit property from October, 1979 to 20.09.2019, however, in her Complaint dated 14.10.2019, it was stated that the Plaintiff has been dispossessed, whereby, it is evident that Plaintiff had been dispossessed on 14.10.2019. The present Suit has been filed on 01.09.2020, which is beyond the period of six months, *within which a Suit under Section 6 of the Specific Relief Act, 1963 could have been filed.*

41. Furthermore, it was observed that Plaintiff had claimed possession on the basis of two grounds that, *firstly* she was the owner of the Suit Property by virtue of GPA, Agreement to Sell etc. all dated 10.10.1979 and *secondly*, that she had been in continuous possession of the Suit Property till 20.09.2019, when she was dispossessed.

42. In regard to the title, on the basis of Agreement to Sell etc., reference was made to Suraj Lamp & Industries Pvt. Ltd. vs. State of Haryana, (2012) 1 SCC 656, to conclude that mere Agreement to Sell, etc. do not convey the title or create any interest in the immovable property.

43. Furthermore, in **W.P(C) 6990/2016**, wherein the Defendants had challenged the acquisition of the suit property by DDA, this Court *vide* Order dated 20.12.2017, held that the acquisition by DDA had elapsed and



consequently allowed the Writ Petition filed by the Defendants. Furthermore, in **W.P.(C) 9694/2018** the Defendants had sought demarcation of the suit property, which was allowed by this Court, *vide* Order dated 14.09.2018. The learned Additional District Judge observed that the aforesaid two Orders were never challenged by the *Plaintiff*. *It was thus, concluded from these Orders that the Plaintiff was never in possession of the Suit Property till 20.09.2019.*

44. It was further observed that there were no basic amenities i.e. electricity and water connection and therefore, it is beyond understanding as to how she could have been in possession, without these basic amenities.

45. Furthermore, reliance placed on Khasra Girdawri does not establish her ownership, because it is settled law that the same is not a document of ownership. Therefore, ***the learned Additional District Judge, rejected the Suit and allowed the Application under Order VII Rule 11 read with Section 151 of the CPC.***

46. *Aggrieved by the Order dated 20.02.2023, the Plaintiff has filed the present Regular First Appeal under Section 96 read with Order XLI Rule 1 of the CPC.*

47. The **grounds of challenge** are that there was no proper appreciation of pleadings and documents forming part of the Judicial Record and the impugned Order dated 20.02.2023 is liable to be set aside.

48. It has not been considered that the Plaint disclosed substantial and *bona fide* triable issues requiring full-fledged trial and could not have been determined at the threshold, while deciding an Application under Order VII Rule 11 of the CPC. Moreover, while deciding this Application, reliance has



been placed on the documents and pleas raised by the Defendant in defence, which is impermissible in law.

49. The learned Additional District Judge *vide* Order dated **26.11.2020** had restrained the Defendants from interfering in the Suit Property and was directed to maintain *status quo* in favour of the Plaintiff, which remained operative and was never vacated till the rejection of the Plaint, *vide* Order dated 20.02.2023. This binding and subsisting Order, has been completely ignored.

50. It has also not been appreciated that the Plaintiff's son, *Sh. Satish Kumar* had been inducted as a tenant in the suit property by the Plaintiff, on 01.10.1993 who remained as a tenant till 15.07.1997, which further corroborates the Plaintiff's possession, ownership and control over the suit property.

51. The amendments made by the Plaintiff in the amended Plaint had not been considered, despite being allowed *vide* Order dated 20.02.2023. Once the amendment in the pleading was allowed, they ought to have been examined, while deciding the Application under Order VII Rule 11 of CPC.

52. The Plaintiff had purchased the suit property in October, 1979 for a valid sale consideration of Rs. 8,000/- and had become the owner of the suit property. The sale transaction on GPA and Will has been recognized, as a prevalent mode of transfer of property in Delhi and continued to be so, till the Judgement of the Supreme Court in *Suraj Lamp & Industries (P) Ltd.* (*supra*).

53. The Plaintiff had been illegally dispossessed on 20.09.2019 and the Suit was instituted within a period of six months thereof. The Supreme Court in the *Suo Motu Writ Petition (Civil) No.3/2020*, had extended the



period of limitation in view of the COVID-19 Pandemic up to 31.03.2022. The present Suit was therefore, within limitation, but a contrary finding has been given by the learned Additional District Judge.

54. Furthermore, grave error has been committed by the learned Additional District Judge in placing reliance on the Closure Report filed in FIR No.591/2019, while rejecting the Plaintiff.

55. It was submitted that criminal proceedings are still pending consideration and could not have been relied upon, at the threshold stage of civil proceedings, particularly when such defence is wholly extraneous to the limited scope of Order VII Rule 11 of the CPC.

56. It was further submitted that a contradictory and self-defeating approach has been adopted by the learned Additional District Judge. It was asserted that while rejecting the Plaintiff's claim, it was observed that GPA does not convey any ownership; however, simultaneously accepted the Defendant's claim of ownership based on GPA produced during investigation in FIR No.0591/2019 and treated these documents as a valid proof of title.

57. The adverse influence against the Plaintiff's possession has been drawn on the grounds that she had not obtained any electricity or water connection in the suit property, since 1979. However, it has not been considered that the suit property was enclosed by boundary walls and it remained under the lock and key of the Plaintiff. Mere absence of utility connections, cannot be treated as determinative of lack of possession and such finding is perverse and contrary to law.

58. The learned Additional District Judge wrongly concluded that GPA and other sale documents including Khasra Girdawari, do not constitute



proof of ownership, without appreciating the validity, effect and evidentiary value of the Plaintiff's title documents, which required adjudication. Even if, it is assumed that there was a defect in title, it could not have been a ground for rejection of the Suit.

59. The Supreme Court in Sopan Sukhdeo Sable vs. Charity Commissioner, (2004) 3 SCC 137, has categorically held that while considering the Application under Order VII Rule 11 of CPC, only the Plaint and documents and the averments made therein ought to be examined and the plea by the Defendant in the Written Statement or the Application are fully irrelevant.

60. In Liverpool & London S.P. & I Association Ltd. vs. M. V. Sea, Success I & Anr., (2004) 9 SCC 512, it was held that so long as the Plaint discloses a cause of action, no matter how weak or unlikely to succeed, is no ground for rejection of the Suit.

61. Similar observations have been made by the Supreme Court in the case of Dahiben vs. Arvinbhai Kalyanji Bhanusali (Gajra) (Dead) through LRs & Ors., (2020) 7 SCC 366.

62. The ***Learned counsel for the Plaintiff/Appellant argued*** and explained that the present Suit was filed on 01.09.2020 and the period from 20.03.2020 till 29.02.2022 was liable to be excluded from the period of limitation, in view of the Order passed by the Supreme Court in Suo Motu Writ Petition (Civil) No.3/2020. Therefore, the present Suit had been filed within the time frame of six months from the date of dis-possession, i.e. 20.09.2019.

63. Furthermore, there was no evidence that the Plaintiff had been dispossessed on 14.10.2019, as has been noted by the learned Additional



District Judge. He further submitted that even though the Closure Report on the FIR has been filed, it has not attained finality, as the proceedings are still pending before the Competent Court. It is therefore, submitted that triable issues had been raised by the Plaintiff and it could not have been summarily rejected under Order VII Rule 11 of the CPC.

64. The *Learned counsel for the Respondent*, who had appeared on advance Notice, has referred to the two Orders, dated 20.12.2017 and 14.09.2018, of this Court in the Writ Petitions filed by the Defendants, from where it was clearly evident *that the Plaintiff was not in possession of the suit property till 20.09.2019.*

65. Furthermore, this fact was clearly established by the Demarcation Report dated 04.12.2018. It has also been established from the investigations carried out in FIR No. 591/2019 that the Plaintiff was never in possession of the suit property. It is therefore, submitted that there is no merit in the present Appeal, which is liable to be dismissed.

Submissions heard and record perused

66. At the outset, it may be noted that Plaintiff had filed the present Suit for Restoration of Possession and Permanent Injunction under Section 6 of Specific Relief Act, 1963. In order to appreciate the contention raised by the Plaintiff, it is firstly pertinent to reproduce Section 6 of Specific Relief Act, 1963 which reads as under:

“Section 6 - Suit by person dispossessed of immovable property.

(1) If any person is dispossessed without his consent of immovable property otherwise than in due course of law, he or any person [through whom he has been in possession or any person] claiming through him may, by suit, recover possession



thereof, notwithstanding any other title that may be set up in such suit.

(2) No suit under this section shall be brought -

(a) After the expiry of six months from the date of dispossession; or

(b) Against the Government.

(3) No appeal shall lie from any order or decree passed in any suit instituted under this section, nor shall any review of any such order or decree be allowed.

(4) Nothing in this section shall bar any person from suing to establish his title to such property and to recover possession thereof.”

67. The first aspect, which emerges, is that Section 6(3) of the Specific Relief Act, 1963 specifically bars any Appeal against any Order or Decree passed in any Suit, instituted under the said Section. The Plaintiff herein, had initially correctly filed a Revision Petition bearing **C.R.P 118/2023**, though unfortunately, with the objections being taken by the Registry, the Revision Petition was withdrawn by the Plaintiff and eventually, filed the present Appeal, though in the whole process, there was a delay of 1050 days.

68. It is not the Plaintiff herein, who is at fault in filing the present Appeal, who in fact had rightly filed a Revision Petition, in the first instance and he, having been denied to pursue his Revision Petition, the filing of this Appeal, cannot be rejected on the technical ground and is treated as a Revision Petition, since no Appeal is maintainable in terms of Section 6(3) of the Specific Relief Act, 1963.

69. Now coming to the merits, Section 6 was incorporated with a view of providing summary, cheap and useful remedy to a person dispossessed of his immovable Property, otherwise than in due course of law. *Its object is to*



discourage people from taking law into their own hands, however, good their title may be.

70. For the Application of Section 6 of Specific Relief Act, 1963 the following conditions should exist:

- (i) The Plaintiff was in exclusive possession of the immovable property;*
- (ii) The Plaintiff has been dispossessed otherwise than in due course of law; and*
- (iii) That the Suit is only for the relief of recovery of possession alone.*

71. Therefore, only three questions of fact are required to be considered in a Suit under Section 6 of Specific Relief Act, 1963, which are - (i) who was formerly in possession? (ii), whether the Plaintiff has been dispossessed within a period of six months from the date of institution of the Suit? and (iii) whether such dispossession was otherwise, then in accordance with law?

72. In the present case, the Plaintiff had claimed that she had purchased the Suit Property by virtue of GPA, Agreement to Sell etc. all dated 10.10.1979 from one *Sh. Om Prakashan s/o Sh. Tarachand* and had placed on record the copy of these documents.

73. Much had been contended by the Defendant that these were fake and forged documents, as during the course of investigation in FIR No. 591/2019, the aforesaid documents were sent to FSL, which submitted a Report that these documents were indeed forged and fabricated.

74. Furthermore, the Plaintiff had claimed that after she had purchased the suit property in 1979, it got mutated under her name, but no such



mutation records were found in the Revenue Records. Thus, a Closure Report was filed in the aforesaid FIR.

75. The challenge by the Defendants essentially was to the ownership of the Plaintiff, which is not a factor to be considered in a Suit under Section 6 of Specific Relief Act, 1963. Therefore, contentions in regard to the genuineness of the GPA, Agreement to Sell etc., was irrelevant.

76. The only pertinent question for consideration ***was whether the Plaintiff was in possession of the suit property.*** Her documents of 1979 may be incoherent and defective, but are sufficient to establish that she was in possession of the suit property. Her averments in the Plaint of being in possession of the Suit Property since 1979, could not have been questioned or doubted, while deciding an Application under Order VII Rule 11 of C.P.C. Indeed, the learned Additional District Judge fell in error in considering the contentions raised by the Defendant, to challenge the possession of the Plaintiff.

77. From the averments made in the Plaint, coupled with the GPA, Agreement to Sell, etc. dated 10.10.1979, *prima facie* it emerges that she had been in possession of the suit property since October, 1979.

78. Furthermore, in order to establish possession, aside from the GPA, Agreement to Sell etc., the Plaintiff has asserted that she had rented out the Suit Property to her son, *Sh. Satish Kumar*, who vacated the same on 15.07.1997. To corroborate that the Suit Property had been rented out to *Sh. Satish Kumar*, Rent Receipts dated 01.11.1993 and 01.10.1994 have been placed on record.

79. Not only this, the Plaintiff also asserted that *Sh. Satish Kumar* had taken a Factory Licence from the MCD, on 25.09.1995. These documents



corroborate the claim of the Plaintiff that she was in possession of the Suit Property.

80. Therefore, the observations of learned Additional District Judge that since there was no facility of electricity or water in the suit property and in the absence of the same it was difficult to believe that the Plaintiff was in possession, was not warranted in the given circumstances.

81. However, *the main question was whether the Plaintiff had been dispossessed on 20.09.2019*. In this context, it is pertinent to refer to the Complaint dated 14.10.2019 that was made by Sh. Satish Kumar, son of Plaintiff. In the aforesaid Complaint, he had stated that in his Plot which was in the name of his mother, Smt. Santosh Kumari (Plaintiff), some unknown people had broken one of the walls as well as the main gate and had put a wall in front of it. Consequently, request was made for security arrangements for the construction of the gate and the wall, as there was danger to his life.

82. However, from the aforesaid Complaint, *it is abundantly clear that the Plaintiff got dispossessed on 14.10.2019 and not on 20.09.2019, as has been asserted in the Complaint*. This Complaint has been rightly relied upon by the learned Additional District Judge, to conclude that the dispossession was in fact, on 14.10.2019 and the Suit filed on 01.09.2020, is beyond the period of limitation, which is six months from the date of forcible dispossession.

83. Even though the learned Additional District Judge was not required to go into the question of title and the reliance on the case of Suraj Lamp & Industries Pvt. Ltd. vs. State of Haryana(supra) was misplaced, as it was



only the question of possession and forcible dispossession, that was to be considered.

84. As discussed above, the dispossession was beyond the period of six months and thus, the present Suit filed under Section 6 of Specific Relief Act, 1963 was not maintainable. ***Therefore, the Suit of the Plaintiff under Section 6 of Specific Relief Act has been rightly rejected by the learned Additional District Judge, under Order VII Rule 11 of the CPC.***

85. In view of the aforesaid discussion, there is no merit in the present Appeal, which is hereby **dismissed**. Pending Application(s), if any, also stand disposed of.

(NEENA BANSAL KRISHNA)
JUDGE

JULY 27, 2026/R