



2026:DHC:7294



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

%

Reserved on: 29th May, 2026

Pronounced on: 31st August, 2026

#

CNR No: DLHC010249452026

+

**RFA 571/2026, CM APPL. 37648/2026, CM APPL.37649/2026,
CM APPL.37650/2026**

DINESH KUMAR

S/o Sh. Bhagwan Dass

Son-in-law of Late Shri Ajit Singh

R/o H. No. 43, 1st Floor, New Gobind Pura,

Village Khureji Khas, Delhi 110051.

.....Appellant

Through: Mr. Lalit Sharma, Mr. Siddharth and
Mr. Ravi Kumar, Advocates.

versus

SUNIL KUMAR

S/o Sh. Puran Chand,

R/o 2nd Floor, H.No. 9/54,

Geeta Colony, Delhi

.....Respondent

Through:

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T

NEENA BANSAL KRISHNA, J.

1. **Regular First Appeal** under Section 96 CPC has been filed on behalf of the Appellant/*Sh.Dinesh Kumar*, against the **Judgment dated 30.01.2026**, whereby the learned District Judge decreed the Suit of the Respondents/Plaintiffs for ***Possession and Permanent Injunction and***



dismissed the Counter-claim filed by the Appellant/Defendants seeking ***Declaration and Cancellation of the Sale Deed dated 02.11.2010.***

2. *The facts in brief*, are that Sh. Raman Singh, son of **Sh. Ajit Singh** purchased the property bearing **Flat No. H-43, First Floor, New Gobind Pura, Village Khureji Khas, Delhi-110051** (hereinafter referred to as the "suit property"), from its erstwhile owner **Sh. Lavan Singh** on 06.10.2005, after which the property was sold by Sh. Raman Singh to the Plaintiff, Sh. Sunil Kumar, by virtue of a **registered Sale Deed dated 02.11.2010.**

3. The plaintiff claimed that the **symbolic possession** had been delivered to him since the Defendants was occupying the suit property as a trespasser, in whose favour no documents of Sale, was ever executed by Raman Kumar.

4. *Sh. Raman Singh* prior to execution of the Sale Deed, had filed a **Suit for Mandatory Injunction** to seek possession from the Defendants, but the Suit was subsequently withdrawn by him, after which he sold the property to the Plaintiffs.

5. The Plaintiff stated that after the purchase of the property, they served a **Legal Notice dated 25.11.2010** upon the Defendant through registered A.D. and UPCs seeking peaceful and vacate possession within 15 days of service of the Notice, failing which the Defendants shall be liable to pay user and occupation damages/*mesne* profits at the rate of **Rs. 10,000/- per month**, which was the prevailing market rate of the rent in respect of the property in question.



6. The Defendant, in his false and frivolous **Reply dated 10.12.2010**, made the assertions which were not tenable in law. *Furthermore, he denied the liability to hand over the possession or to pay mesne profits.*

7. In the **last week of October, 2011** Plaintiff visited the suit property for inspection and requested the Defendants to vacate the flat in terms of the Notice served upon them. However, the Defendants did not allow the Plaintiff for inspection and threatened that he would transfer, alienate or create third-party interest in the Suit property.

8. The Plaintiff thus, filed the ***Suit for Possession of the suit property; Recovery of Rs.1,00,000/- towards Damages for use and occupation/Mesne Profits; pendent lite and future damages @ Rs.10,000/- per month and Permanent Injunction to restrain the Defendant from creating third party rights in the suit property.***

9. **The Defendant No. 3, Late Ajit Singh**(father of Raman Singh), in his **Written Statement-cum-Counter-Claim**, stated that he was the retired personnel from the Indian Army. He had purchased a property ad-measuring 106 sq. yards, out of Khasra No.312 situated **at Village Maujpur, Ilaka Shahdara, Delhi** on which House bearing **No. 12-A/18-A, Street No. 4, Vijay Mohalla, Maujpur, Delhi** was constructed, in which he along with his wife, daughter and son Raman Singh started living. After his retirement, he started working in **M/s Voltas Ltd**, firstly as helper and thereafter as a mechanic, where he worked for a **considerable period**.

10. **Smt. Tej Kaur**, wife of Late Ajit Singh, purchased a house bearing **No.126, opposite Balaji Temple, Old Anarkali, Delhi** upon a plot of 50 sq. yards. Sh. Raman Singh was married to **Smt. Kuldeep Kaur** and both of them



left the house of Defendant No.3 in Vijay Mohalla, somewhere in the year 2002 and shifted to house of **Krishna Nagar, Delhi** where they started living, leaving the parents in a lurch.

11. **Certain disputes** arose between Raman Singh and his neighbors in the said locality, on account of which Raman Singh compelled his mother to sell her house and he purchased another house **No.244-A/2/D Shivpuri Extension, Delhi-110051, from the sale proceeds of the earlier property owned by the mother** and shifted there along with his family, somewhere in the year 2003.

12. The wife of Defendant No.3 expired on 22.01.2005 and the Defendant No.3 was left alone in his Maujpur House. He was attending to and looked after by his daughter i.e. **Defendant No.2 Smt. Ruksi**, at least two to three days, in a week.

13. Raman Singh **influenced and advised** Defendant No.3 to sell his house and to shift somewhere near his house in Shivpuri Extension, Delhi-110051. Defendant No. 3 was thus, compelled to sell his house in **Vijay Mohalla, Maujpur** to Mr. Anwar Chauhan, for a total **consideration of Rs.14,00,000/-**. The purchaser paid Rs.8.5 lacs in three installments and lastly paid Rs.5.5 lacs, all in cash, when the documents of transfer were executed on 04.10.2005 in his favour and the possession was also handed over to the buyer.

14. Raman Singh and his wife Kuldeep Kaur who were much **active and instrumental** in the sale of his aforesaid property, they took the entire sale consideration from Defendant No.3 from time to time, on the plea that he



was living alone and in the old age, it would not be safe for him to keep such cash with him.

15. The Defendant No.3 trusted Raman Singh with the *consideration money* on his assurance that ***he would purchase the suit property in the name of Defendant No.3 and further promised to purchase a shop in the name of the daughter, as the son-in-law did not have any place to do his business.***

16. Thereafter, Raman Singh informed Defendant No.3 that he has purchased the suit property from Sh. Lavan Kumar out of the money given to him by Defendant No.3, for approx. Rs.8lacs, though he had shown having paid only Rs.4 lacs as sale consideration for the suit property, rest being the underhand money given to the vendor. Defendant No.3 thereafter, shifted to the suit property on or about ***07/08.10.2005*** and ***since then he has been residing in the suit property in his own right, as an owner.***

17. Defendant No. 3 thereafter, repeatedly enquired from Raman Singh about the documents relating to the purchase of the suit property. After a few days, Raman Singh disclosed that he had purchased the suit property in his own name. *Defendant No. 3 alleged that though Raman Singh assured Defendant No. 3 that he could continue to occupy the suit property as its owner, but he defrauded and cheated his own father.*

18. On or about 06.11.2005, Defendant No. 3 went to Punjab to meet his relatives and upon returning to Delhi, confronted Raman Singh not only regarding the suit property, but also about the shop in Gali No. 5, Rashid Market, Delhi, which was allegedly to be purchased in the name of his daughter from the remaining sale proceeds of the Maujpur property. ***Raman***



Singh informed him that the said shop had also been purchased in his own name, which, according to Defendant No. 3, came as a further shock and amounted to a repetition of the alleged fraud.

19. The Defendant claimed that he requested Raman Singh to execute the documents in his favour, but he refused. Instead of feeling apologetic for his conduct, he intimidated and quarreled with Defendant No.3 besides threatening to implicate him, in false cases. For these reasons, he requested his daughter and son-in-law to reside with him in his house, as a protective measure. ***Accordingly, Defendant No.2 came to reside with Defendant No.3 in the suit property sometime in the end of November, 2004 or beginning of December, 2005.***

20. It was claimed that in the ***last week of December 2005***, Raman Singh, accompanied by his wife, attempted to forcibly dispossess the Defendants from the suit property. The Defendants called the PCR and the matter was taken to the Police Station, where Defendant No. 3 narrated the incident, however, ***no FIR was registered against Raman Singh***. Instead, Raman Singh allegedly lodged a false complaint against the Defendants, to implicate them falsely.

21. The Defendant No. 3 thus, claimed that *he is the owner of the suit property* since the sale consideration for the purchase of the suit property, came from the sale proceeds of the property owned by his wife.

22. The Defendant No.3 admitted that the Suit for ***Mandatory and Permanent Injunction*** was filed against them, by Raman Singh. However, it was asserted that when Raman Singh was reprimanded by the Court, *he withdrew the Suit and the same was dismissed.*



23. The Defendant No.3 filed a private Complaint *under Section 200 Cr.P.C* for the offence under *Section 420/406/506/34 IPC* read with *Section 156(3) Cr.P.C.* which is pending in the Court of learned M.M, Delhi.

24. The Defendant No.3 further contended that on receiving the summons of the Suit, he came to know that Raman Singh had illegally sold the property to Plaintiff *vide Sale Deed dated 02.11.2010*, even though the suit property was owned by him.

25. He challenged the Sale Deed by claiming that it was *illegal, invalid, collusive and had no force of law*. It was asserted that the said Sale Deed be cancelled as Raman Singh was *not the actual owner of the suit property and had no right to sell it*. It was also claimed that the possibility of the Sale Deed being without consideration and collusive with the Plaintiffs, *cannot be ruled out*.

26. The possession of the suit property has always continued to be with the Defendants, more particularly with Defendant No.3 in the capacity of an owner and the ***Sale Deed dated 02.11.2010*** is illegal.

27. The Defendant No.3 Ajeet Singh thus, sought a ***Declaration and Cancellation of Sale Deed dated 02.11.2010*** in respect of the suit property and claimed that it may be declared as ***illegal, invalid and non est in the eyes of law***.

28. The Defendant No.1, 2 and 4 in their separate ***Written Statement*** took the same defense as was stated by Defendant No.3, in their Counter-Claim/Written Statement.

29. It was further asserted that the Suit was barred under ***Section 5 & 6 Transfer of Property Act, Order XXIII CPC and by Limitation***. The suit



was valued incorrectly for the purpose of Court Fee and jurisdiction. It was claimed that there was *no privity of Contract* between the Plaintiffs and Defendant No.3, who was never inducted by the Plaintiff.

30. It was further contended that the *Suit was bad for non-joinder of Raman Singh and his wife*. The Suit was also not maintainable in view of the earlier Suit for Mandatory Injunction filed and subsequently withdrawn by Raman Singh.

31. The ***Issues on the pleadings and the Counter-Claim, were framed on 19.09.2012 as under:***

- i. *Whether the suit of the plaintiff filed for recovery of possession and recovery of Rs.1 Lacs from defendant No.3 not maintainable? OPD*
- ii. *Whether the Sale Deed dated 2.11.2010 filed by plaintiff is not a genuine document? OPD*
- iii. *Whether the suit of the plaintiff is hit by section 5 and 6 of the T.P.Act? OPD.*
- iv. *Whether the suit of the plaintiff is hit by Order 23 CPC?OPD.*
- v. *Whether the suit of the plaintiff is time barred? OPD.*
- vi. *Whether the plaintiff is entitled to decree of possession in respect of Flat No. H.43, First Floor, New Gobind Pura, Village Khureji Khas, Delhi? OPP.*
- vii. *Whether the plaintiff is entitled to recovery of Rs.1,00,000/- towards damages for use and occupation / mesne profits? OPP.*
- viii. *Whether the plaintiff is entitled to decree of permanent injunction as prayed for? OPP*



- ix. *Whether the plaintiff is entitled to decree of possession of Flat No. H. 43, First Floor, New Gobind Pura, Village KhurejiKhas, Delhi?OPP*
 - x. *Whether the entitled to the interest as prayed for?OPP*
 - xi. *Whether the defendant is entitled to the declaration as prayed and cancellation of the Sale Deed dated 2.11.2010 in respect of the suit property? OPD.*
 - xii. *Relief*
32. On 20.09.2017, **an additional issue regarding limitation** was framed, which is as follows:
- “Whether counter claim of deceased defendant Ajit Singh is barred by limitation? OP”*
33. During the pendency of the proceedings, **Defendant No.3, Late S. Ajeet Singh, expired and his Legal Representatives were brought on record.**
34. The Appellants thereafter, *sought amendment of the Counter-Claim and framing of additional issues.* The Ld. Trial Court declined the amendment sought, including the alternative plea of adverse possession, **vide Order dated 23.01.2025**, but an additional issue was framed, thus:
- “Whether the counterclaim has not been valued properly for the purpose of court fees and jurisdiction? OPD*



35. A further ***Application under Order XIV Rule 5 CPC*** seeking framing of an issue concerning the validity and cancellation of the earlier ***Sale Deed dated 06.10.2005***, was dismissed *vide Order dated 07.05.2025*, principally for want of a specific relief and cause of action in respect thereof, and on account of delay.

36. The Plaintiffs examined **PW-1, Sh. Jarnail Kothia, Plaintiff No.3**, who tendered his evidence by way of Affidavit Ex.PW-1/A. He relied upon the registered Sale Deed dated 02.11.2010 Ex.PW-1/1, Site Plan Ex.PW-1/2, Legal Notice dated 25.11.2010 Ex.PW-1/3, AD Cards Ex.PW-1/4 (Colly.) and Reply dated 10.12.2010 Ex.PW-1/5.

37. **DW-1 Sh. Dinesh Kumar, Defendant No.1**, tendered his evidence *vide* Affidavit of evidence Ex.DW-1/A. He relied upon the Sale Deed dated 04.02.1969 as Mark-A; Agreement to Sell, Receipt, Affidavit and Will dated 04.10.2005 as Mark-B (Colly.); Reply to the Legal Notice as Ex.DW-1/3; Complaint dated 18.12.2005 as Mark-C; and the certified copy of the paper-book, Written Statement and Application under Section 156(3) Cr.P.C. filed in the earlier proceedings initiated by S. Raman Singh as Ex.DW-1/5.

38. **DW-2 Smt. Ruksi, Defendant No.2**, in her Affidavit of evidence Ex.DW-2/A, corroborated the defense taken by Defendant No.3 in his Written Statement and Counter-Claim.

39. The learned District Judge, ***on appreciation of the pleadings and evidence***, observed that the entire defense and Counter-Claim rested on the assertion that the suit property had been purchased by S. Raman Singh from the funds of his father, Late S. Ajeet Singh, who had thereby, claimed himself to be its true owner. It was held that even if the consideration for



purchase of the suit property had emanated from Late S. Ajeet Singh, ***the same would not confer ownership upon him, when the property stood purchased and registered in the name of S. Raman Singh.***

40. It was further observed the Sale Deed under which S. Raman Singh derived title, had never been sought to be declared null and void, as the Counter-Claim was *confined only to Declaration and Cancellation of the subsequent Sale Deed dated 02.11.2010, Ex.PW-1/1 executed by S. Raman Singh in favour of the Plaintiffs and was, therefore, held to be unsustainable without a challenge to the title of S. Raman Singh himself.*

41. The learned District Judge further held that the allegations of fraud and collusion in execution of the Sale Deed dated 02.11.2010, Ex.PW-1/1, were *vague and bereft of material particulars.* Merely by claiming that a consideration lower than the alleged prevailing market value was taken, ***was held insufficient to establish fraud.***

42. It was thus, concluded that the ***Defendants had failed to establish any right, title or interest in the suit property and, at best, their possession was that of licensees.*** The registered Sale Deed dated 02.11.2010, Ex.PW-1/1 in favour of the Plaintiffs was held to be genuine. The objections regarding Limitation, Sections 5 and 6 of the Transfer of Property Act, 1882 and Order XXIII CPC, ***were rejected.***

43. The additional issues relating to limitation and valuation of the Counter-Claim were, however, decided in favour of the Defendants, ***it being held that the Counter-Claim filed in 2012, was within limitation and had been properly valued with requisite Court Fees.***



44. The ***learned District Judge accordingly, dismissed the Counter-Claim and decreed the Suit in favour of the Plaintiffs, vide judgement dated 30.01.2026***, for Possession and Permanent Injunction, restraining the Defendants from alienating, transferring or creating any third-party interest therein. ***However***, the claim of the Plaintiffs for damages/mesne profits was ***declined, for want of independent evidence to establish its quantum.***

45. Aggrieved, the defendants/Appellants have preferred the present ***Regular First Appeal, to challenge the Judgement dated 30.01.2026.***

46. The ***principal ground of challenge*** is that the learned District Judge decreed the Suit without adjudicating the antecedent title of S. Raman Singh, from whom the Plaintiffs had derived their claim. It is contended that once the validity of the Sale Deed dated 06.10.2005 and the title of S. Raman Singh were specifically disputed, an appropriate issue ought to have been framed and the Suit for possession could not have been decreed, merely on the basis of the registered document. Reliance is placed upon AnathulaSudhakar v. P. Buchi Reddy (Dead) by LRs. to contend that where the Plaintiff's title is under a cloud, and a Suit for possession simplicitor, is not maintainable.

47. The Appellants further ***challenged the dismissal of the Counter-Claim*** on the ground that the Sale Deed dated 06.10.2005, had not been specifically assailed. According to them, the alleged fraud in the acquisition of the suit property and was also the subject matter of the earlier Police Complaint and litigation between Late S. Ajeet Singh and S. Raman Singh, had been specifically pleaded.



48. ***It is therefore, contended that the learned District Judge ought to have exercised the power under Order XIV Rule 5 CPC, to frame an additional issue concerning the said transaction.***

49. It is also contended that although the Counter-Claim had been filed with the Written Statement in 2012, it was separately registered only on 07.08.2024 as ***CS No.448/2024***. The Appellants assert that the subsequent rejection of their Applications for amendment and framing of additional issues on the ground of delay, despite such delay being attributable to the Court process, deprived them of an effective adjudication of the controversies raised in the Counter-Claim.

50. The Appellants also assailed *the rejection of their Application under Order VI Rule 17 CPC* seeking to introduce an alternative plea of adverse possession, contending that their continuous possession since 2005, warranted consideration of such plea.

51. They further contend that their possession was founded upon the ownership claimed by Late S. Ajeet Singh. The documentary evidence, including Mark-A, Mark-B, the police complaints and the record of the earlier litigation, had not been properly appreciated, while examining the plea of fraud and the circumstances surrounding acquisition of the suit property.

52. Lastly, the Appellants challenged the finding that the allegations of fraud and collusion were vague and that the ***registered Sale Deed dated 02.11.2010, Ex.PW-1/1***, carried a presumption of validity. It is asserted that the pleadings sufficiently disclosed the manner in which S. Raman Singh allegedly acquired the suit property from the funds of Late S. Ajeet Singh



and thereafter, transferred it to the Plaintiffs, and that the presumption attaching to a registered document, was rebuttable.

53. The Appellants thus, sought the setting aside of the impugned Judgment and Decree or, alternatively, to remand the Suit for adjudication, after framing the requisite issues.

Submission heard and record perused.

54. The Plaintiffs had filed a ***Suit for Possession*** on the basis of having acquired ownership in respect of the suit property, by virtue of ***Sale Deed dated 02.11.2010 Ex.PW1/1***. It was explained that the suit property was earlier owned by Sh. Lavan Kumar, from whom Sh. Raman Singh had purchased the suit property, by virtue of ***Sale Deed dated 02.11.2010, Ex.PW1/1***.

55. The Defendants challenged the Plaintiffs' title under the ***Sale Deed dated 02.11.2010, Ex. PW1/1***, contending that Raman Singh had purchased the suit property in 2005 from the sale proceeds of the Vijay Mohalla, Maujpur property, which belonged to his mother and had been sold for Rs.14 lakhs.

56. It was asserted that the money had been taken by Raman Singh from Defendant No.3, on the ***pretext of safekeeping and an assurance*** that he would utilize the sale consideration for purchase of a property in the name of the father, Ajeet Singh. He ***had also assured*** to buy a shop in the name of the daughter, who had been taking care of the father and whose husband had no place to run his business. However, the suit property as well as the shop, were purchased by Raman Singh, in his name.



57. The first ground of challenge by the defendants is that these false assurances tantamount to fraud, vitiating the Sale deed of 2005, in the name of Raman Singh.

58. ***The averment that Raman Singh despite assurances, purchased the property in his name, cannot also not be termed as a fraud.*** These assertions, without anything more, ***do not make the Sale transaction in favour of Raman Singh, as fraudulent.***

59. The second ***ground*** for vitiating the Sale Deed of December, 2005 in favour of Raman Singh, predecessor-in-interest of the Plaintiff, was that ***the money realized from the sale of the property*** owned by his mother, had been utilized to purchase the suit property by Raman Singh in his name, despite the assurances to the contrary.

60. However, aside from the assertion in this regard, no cogent evidence has been led to prove that the money for the purchase of suit property came from the sale proceeds of the property of mother. Furthermore, even if for the sake of arguments, it is accepted that Sh. Raman Singh has taken the money, but admittedly, the Sale Deed dated ***06.10.2005***, is in his name and had never been challenged by the defendants. No challenge was ever made to the Sale Deed of 2005, till the filing of the suit. Significantly, as per Defendant No.3 himself, he was informed by Raman Singh in December, 2005 itself about the purchase of property in his name, but no action was taken. Rather, he shifted to the suit property, where he has been residing since then. His conduct of acceptance, also does not reflect any defrauding. The background may have been given to challenge the sale Deed in favour of the plaintiff, but no relief was sought in this regard.



61. Further, despite being told by Sh. Sh. Raman Singh about the purchase of the property in December, 2005 itself, he never ever did he challenge the Sale Deed, till the filing of the Suit on 09.11.2011. The conduct of the defendant also does not corroborate his claim of any fraud.

62. It has been asserted on behalf of defendants that since the grounds of challenge had been stated in the Written Statement, an issue in this regard should have been framed. However, from the averments made in the Written Statement, it is evident that the challenge to Sale Deed dated **06.10.2005, could have been made within three years of knowledge, but no challenge was made till the filing of the Suit on 09.11.2011, and is patently barred by limitation.**

63. The defendants had challenged the subsequent Sale Deed executed by Raman Singh in favour of the Plaintiff, in 2010, on the ground that it may have been executed for a less sale consideration, which cannot be a ground to vitiate a sale document.

64. The defendants have not been able to establish any valid challenge whatsoever, to the purchase of the property in 2005 by Raman Singh in his name, nor is there ***any illegality attached to the subsequent sale of suit property by him to Plaintiffs, in the year 2010.***

65. It has been contended on behalf of the Appellants that there was a cloud on the title of the Plaintiff and simplicitor suit for possession, without declaration of title was not maintainable, in the light of the judgment in AnathulaSudhakar v. P. Buchi Reddy (Dead) by LRs. ***This contention is also not tenable for the simple reason that Sh. Raman Kumar and thereafter, his successor in interest the Plaintiff had the registered Sale***



Deed in their favour. There was ***no cloud on their title*** and therefore, there was ***no requirement*** of seeking a declaration of ownership and the facts of *Anathula Sudhakar* are distinct and not attracted in the present case.

66. Another contention has been raised by the Defendants that they are in occupation of the suit premises since December 2005 after the property was purchased by Sh. Raman Kumar and ***have acquired ownership by way of adverse possession.***

67. The very concept ***underlying adverse possession*** is that the person in possession must claim to be so of right as against the true owner. It must be *nec vi, nec clam, ne cprecario*. It must be ***adequate in continuity and publicity*** to the extent of showing that it is adverse to the competitor. It must be hostile and under a claim or colour of title. It must be ***actual, open, uninterrupted, notorious, exclusive and continuous***, and it ***must run over the entire statutory period of 12 years***. Any person who bases his claim to title by adverse possession should be ***hostile to the real owner***, with the ***attributes of notoriety, exclusivity and continuity over the statutory period.***

68. In *S. M. Itarim vs. Mst. Bibi Skina*, AIR 1964 SC 1254, the Hon'ble Supreme Court declared that ***adverse possession must be adequate in continuity, in publicity and extent*** and that a plea is required to at least show as to when possession became adverse so that the starting point of limitation against the party affected by the same can be determined.

69. In the present case, the ***Defendants have never asserted their occupation*** as that of an owner. They ***never claimed themselves to be the owner nor was there any claim of hostile, open and adverse interest*** to that of the Plaintiff or to Sh. Raman Kumar. The plea of adverse possession also



does not go to the benefit of the Appellants and their claim of having become owner by adverse possession, is also not tenable.

70. The learned District Judge has ***rightly observed*** that mere allegations of fraud, without proving the same, would not *ipso facto* render the Sale Deed dated ***02.11.2010 Ex. PW1/1*** void and rightly held that the ***Sale Deed dated 02.11.2010, Ex. PW1/1*** in favour of the Plaintiffs, as ***valid*** and the Counter-Claim for Declaration and Cancellation of this Sale Deed had been ***rightly rejected***.

71. It was also noted by the learned District Judge that the allegations under ***Order XV Rule 5 read with Section 151 CPC***; Application under ***Order VI Rule 17 CPC read with Section 151 CPC*** and ***Order VII Rule 8 CPC*** have all been decided by speaking Orders assigning the reasons. ***None of these Orders have been shown to be suffering from any material irregularity and thus, the challenge to these Applications has also been rightly rejected.***

72. The learned District Judge had considered fairly that since no evidence had been led by the Plaintiffs to establish the quantum of ***Mesne Profits/ Damages, the same had been declined to the Plaintiffs.***

73. In the light of the title of the Plaintiffs by virtue of ***Sale Deed dated 02.11.2010 Ex. PW1/1***, with no valid challenge to it and the Defendants being shown to be the only permissive occupants who became unauthorized occupants after the termination of the permissive user, ***the Suit for Possession has been rightly decreed in favour of the Plaintiffs.*** Likewise, ***Permanent Injunction*** for restraining the Defendants/ Appellants from creating third party rights in the suit property, has been rightly granted.



2026:DHC:7294



74. **There is no merit in the present Appeal, which is hereby dismissed.** The pending Applications, if any, are disposed of, accordingly.

(NEENA BANSAL KRISHNA)
JUDGE

AUGUST 31, 2026
va