



2025:DHC:4756



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

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Date of Decision: 27.05.2025

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C.R.P. 162/2025 & CM Appl.33459/2025PRAJAPITA BRAHAM KUMARI ISHWARIYA VISHAV
VIDYALAYA

.....Petitioner

Through: Mr. J.P. Singh, Sr. Adv. with Mr.
R.K. Arora, Adv.

versus

SUMAN LATA DHAR & ANR

.....Respondents

Through: Mr. Sandeep Khurana, Mr. Shiven
Khurana and Mr. Manjit Singh, Adv.**CORAM:****HON'BLE MS. JUSTICE TARA VITASTA GANJU****TARA VITASTA GANJU, J.: (Oral)****CM Appl. 33460/2025***[Exemption from filing typed copies]*

1. Allowed, subject to just exceptions.
2. The Application stands disposed of.

C.R.P. 162/2025 & CM Appl.33459/2025*[Stay]*

3. The present Petition has been filed under Section 115 of the Code of Civil Procedure, 1908 [hereinafter referred to as "CPC"] impugning the order dated 07.04.2025 [hereinafter referred to as "Impugned Order"] passed by the learned District Judge-01, Shahdara District, Karkardooma Courts, Delhi. By the Impugned Order, the Application under Order VII Rule 11(d) read with Section 151 of the CPC filed by the Petitioner (Defendant before the learned Trial Court) has been dismissed.
4. The Respondents/Plaintiffs have filed a suit for possession, damages and permanent injunction in respect of property bearing no. 1504 (Old No.)



changed to property bearing no. 1/9378, built on land measuring 110 sq. yards, situated at Gali No.7, Shahi Mohalla, West Rohtash Nagar, Shahdara Delhi-110032 [hereinafter referred to as suit property”].

4.1 It is the case of the Respondents/Plaintiffs that their father was the lawful and absolute owner of the suit property, having purchased the same through a registered sale deed dated 19.08.1964.

5. It is contended by the Petitioner/Defendant that the father of the Respondents/Plaintiffs had transferred the suit property by virtue of Sankalapnama dated 11.04.1990 to the Petitioner/Defendant

6. Learned Senior Counsel for the Petitioner/Defendant submits that a Sankalapnama is a religious endowment and is admissible in terms of the judgment of the Supreme Court in *Deoki Nandan v. Murlidhar*¹. He further avers that the learned Trial Court has while deciding the Application under Order VII Rule 11 of the CPC, in essence, has also given a finding on the maintainability of the Sankalapnama which, as per him, is not in accordance with law.

6.1 Learned Senior Counsel for the Petitioner/Defendant, on instructions, restricts his challenge in the present Petition to a direction that this finding shall not come in the way of the Petitioner/Defendant at the time of trial.

7. Learned Counsel for the Respondents/Plaintiffs submits that the issues have already been framed and this is merely a ploy to delay the trial.

8. Learned Senior Counsel for the Petitioner/Defendant further submits that he would like to move an appropriate Application for amendment of the

¹ (1956) SCR 756



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issues framed before the learned Trial Court.

9. Accordingly, and in view of what is stated above, this Court deems it apposite to direct that the finding, as contained in the Impugned Order, shall not come in the way of the defence(s) raised by the Petitioner/Defendant. The parties are at liberty to agitate all their contentions before the learned Trial Court, in accordance with law. All rights and contentions of the parties are left open in this regard.

10. The Petition is disposed of in the foregoing terms. Pending Application also stands closed.

11. The parties will act based on the digitally signed copy of the order.

TARA VITASTA GANJU, J

MAY 27, 2025/r/ha

Click here to check corrigendum, if any