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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**# **CNR No. DLHC011825632016**+ **CS(OS) 381/2016****BADRI BHAGAT JHANDEWALA TEMPLE SOCIETY**

.....Plaintiff

Through: Mr. Alok Kumar, Sr. Adv. with
Ms Manisha Agraqwal Narain,
Mr. Amit Kumar Singh, Mr.
Varun Maheshwari, Mr. Manan
Soni, Ms. Kavita Bardia and Ms
Suhani Jain, Advs.

versus

SMT HAR PYARI

.....Defendant

Through: Mr. Kamlesh Kr. Mishra and
Mr. Swagata Gupta, Advs.
Mr. Bharat Bhushan Sharma,
LR-1(a) in peson.
Mr. Nikhil Srivastava, Adv. for
LR-1(b) along LR-1(b) in
person.

CORAM:**HON'BLE MR. JUSTICE VINOD KUMAR****ORDER (ORAL)**

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12.10.2026**VINOD KUMAR, J.****O.A. 82/2024 (Appeal)**

1. This is an Appeal under Rule 5 of Chapter II of the Delhi High Court (Original Side) Rule, 2018 challenging the order dated 10.04.2024 passed by learned Joint Registrar.
2. The grievance of the LR-1(a) of deceased defendant is that despite filing an application (i.e. I.A. 5763/2023) seeking supply of



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complete set of paper book with the judgement in **CS (OS) 1679/1982** titled as “**Badri Bhagat Jhandewala Temple Society v. DDA**”, the same was not been supplied to him.

3. The Joint Registrar, in the impugned order, referred to an order dated 05.07.2023, in which it was noted that the plaintiff has supplied complete paper book to Mr. Bharat Bhushan Sharma (LR-1(a) of deceased defendant) i.e. appellant herein and it amounts to complete compliance of order dated 24.04.2023.

4. It appears that the appellant is aggrieved by the observation of the Joint Registrar that the submission of Shri Bharat Bhushan is an afterthought. It is submitted that admittedly the complete copy of judgment in **CS(OS) 1679/1982** titled as “**Badri Bhagat Jhandewala Temple Society v. DDA**”, was supplied later on, therefore, this observation is not correct.

5. Learned Senior Counsel for plaintiff fairly submits that a complete copy of the same was supplied later on.

6. In view of this submissions, the observation made by the Joint Registrar in order dated 05.07.2023 that “submissions of Mr. Bharat Bhushan Sharma seems to be a result of an afterthought” is hereby removed. As the appellant has finally received the complete set, albeit later on, nothing survives in the appeal.

7. The appeal is, therefore, dismissed.

I.A. 41702/2024 (Directions to record the proceedings)

8. This is an application filed by Legal Heir i.e. LR-1(a) of the deceased defendant seeking recording of the proceedings on 09.10.2024 in the present case.

9. It is submitted by the applicant that this application has become



infructuous, as the said date has passed long back.

10. Accordingly, the application is dismissed being infructuous.

I.A. 42565/2024

11. This is an application filed by Legal Heir i.e. LR-1(a) of the deceased defendant under Section 151 of CPC read with online e-filing Rule 10.1 and 10.4 under Section 7 of the Delhi High Court Act, 1966 praying to bring on record the original affidavit filed by the plaintiff in IA no. 16166/2021.

12. Let the same be filed.

13. Accordingly, the application is allowed.

I.A. 31064/2025 (Directions to record the proceedings)

14. This is an application filed by Legal Heir i.e. LR-1(a) of the deceased defendant under Section 151 of CPC read with Rule 7.1 and 7.3 of the Live Streaming and Recording of Court Proceedings Rules of the High Court of Delhi, 2022 seeking directions for preservation and recording of the proceedings in the present case.

15. It is submitted by applicant that the plaintiff's Counsel is habitual in making false submissions and has filed a defamation suit seeking damages of Rs.1 crore against him, bearing **CS DJ 61/2025** titled as "**Alok Kumar v. Bharat Bhushan Sharma**". Therefore, it is submitted that all the proceedings of this case should be recorded so that applicant can save himself from false prosecution.

16. I am of the opinion that this is not a sufficient ground to direct recording of the proceedings.

17. Accordingly, the application is dismissed.

I.A. 31833/2025 (Delay in filing)

18. This is an application filed by Legal Heir i.e. LR-1(a) of the



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deceased defendant under Section 151 of CPC seeking condonation of delay of 229 days in filing the contempt petition (i.e. CCP(O) 131/2025).

19. For the reason stated in application, the delay of 229 days in filing the contempt petition is condoned.

20. Accordingly, the application is allowed.

CCP(O) 131/2025 (for initiation of contempt proceedings)

21. This is an application filed by Legal Heir i.e. LR-1(a) of the deceased defendant under Section 2(b) read with Section 12 of Contempt of Court Act, 1971 seeking initiation of contempt proceedings for violating order dated 23.04.2024.

22. Applicant submits that vide order 23.04.2024, this court permitted the plaintiff to place on record the pleadings of Suit No. 636/1982.

23. It is submitted that this Court has specifically directed the plaintiff to file certified copies of the same in accordance with law. However, the certified copies have not been filed by the plaintiff and therefore, it is violation of the order dated 23.04.2024.

24. On the other hand, learned Senior Counsel for the plaintiff submits that he has tried his best to get certified copies of pleadings of the suit. But, despite making efforts, the suit file could not be traced in Record Room.

25. It is contended that the non-filing of the certified copies was neither deliberate nor wilful.

26. Heard the submissions and perused the material on record.

27. I am of the opinion that the provision of Contempt of Court cannot be pressed, the plaintiff has not filed certified copies of the



proceedings. However, the natural circumstances on account of non filing of the same as per law will be prevail.

28. Accordingly, the contempt petition is dismissed.

I.A. 38256/2024 (Framing of Additional Issues)

29. This is an application filed by Legal Heir i.e. LR-1(a) of deceased defendant under Order X1V Rule 5 read with Section 151 of CPC praying for framing of additional issues.

30. It is submitted by applicant that some additional issues need to be framed, which are reproduced as under:

“i. Whether the present suit is maintainable further amounts to be dismissed as the plaintiff has given false testimony before the Hon’ble High Court to which a Cr.M.A 7809/2023 u/s 340 CrPC is also pending against him and to which the plaintiff has also accepted in his reply that he has falsely testified.

ii. Whether the present suit is maintainable further amounts to be dismissed as a Crl. M.A. No 1259/2024 under Section 340 CrPC is also pending against the Plaintiff wherein the Plaintiff has filed a forged/concealed/fabricated Judgment titled as “BBJTS Vs. DDA” CS (OS) 1679/1982 causing hindrance in the administration of justice.

iii. Whether the present suit is maintainable further amounts to be dismissed as the present suit is barred by the rule/law of Estoppel, in light of the decision dated 09/06/1960 in the suit bearing civil suit no. 169/1960 filed by the plaintiff itself, titled as “Badri Bhagat Jhandewala Temple Society Vs Gokal Chand”.

iv. Whether the present suit is maintainable further amounts to be dismissed as the Plaintiff is deliberately with a malice intention filing false and concocted cases in order to illegally occupy/grab the property of the Defendants.

v. Whether the present suit is maintainable further amounts to be dismissed as the Plaintiff is habitual in filing false and concocted cases against other financially weaker residents who are residing in the same vicinity at khasra no. 40 since inception and intentionally harassing them by involving them in an unnecessary litigation also having ill-motive to grab the property of these financially



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weaker residents and the similar pattern is also adapted by the plaintiff in the present case.”

31. Heard the submissions and perused the material on record.
32. I would take up the proposed additional issues one by one.
33. First, regarding proposed issue no.i, it is clarified that maintainability of the suit is not dependent upon false testimony of the plaintiff. However, if the false testimony has been given by the plaintiff, effect of the same would be consider at the final stage. No separate issue is, therefore, required to be framed as proposed.
34. Second, proposed issue no.ii is that the plaintiff had filed a forged/concealed/fabricated Judgment titled as “**Badri Bhagat Jhandewala Temple Society v. DDA**” in **CS (OS) 1679/1982** causing hindrance in the administration of justice.
35. I am of the opinion that since the correct certified copy had already been filed on record, no separate issue is warranted on this point.
36. Third, proposed issue no.iii is that as to whether the present should be dismissed being barred by the rule/law of Estoppel, in light of the decision dated 09.06.1960 in the suit bearing **civil suit no. 169/1960** titled as “**Badri Bhagat Jhandewala Temple Society Vs Gokal Chand**”.
37. Learned Senior Counsel for the plaintiff submits that vide order dated 23.04.2024, an additional issue (b) regarding the same had been framed, which is reproduced as under :

“b) Whether the present suit is barred by res judicata, in light of the decision dated 09.06.1960 in the Suit bearing Civil Suit No. 169/1960 filed by the Plaintiff itself, titled as “Badri Bhagat Jhandewalan Temple Society v/s Gokal Chand”? OPD”



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38. Learned Senior Counsel for the plaintiff contended that this issue covers the effect of the judgment dated 09.06.1960. The applicant, however, submits that the existing issue concerns res judicata and does not expressly include the plea of estoppel.

39. I am of the opinion that the principle of res judicata in a way is an example of 'estoppel by record', I may refer to **Seth Ghasiram Seth Dalchand Palliwal v. Mt. Kundanbai, w/o Rameshwar Shuhul, and others, AIR 1940 Nag 163** as well as in **Govindji Jevat and Co. v. Shree Saraswati Mills Ltd., AIR 1982 Bom 76**. Thus, the issue of estoppels is already included in additional issue (b) on *res judicata*. Hence, there is no need to frame a separate issue of estoppel.

40. The applicant does not press proposed issue no. (iv) and (v).

41. The application is disposed of accordingly.

I.A. 8874/2024 (Exemption)

42. This is an application filed by Legal Heir i.e. LR-1(a) of deceased defendant under Section 482 Crpc seeking exemption from filing the certified copies of annexure A1 to A6 in CRL.M.A. 11785/2024.

43. Exemption is allowed, subject to all just exceptions.

44. The application is disposed of.

I.A. 9295/2024 (Exemption)

45. This is an application filed by Legal Heir i.e. LR-1(a) of deceased defendant under Section 482 Crpc seeking exemption from filing the certified copies of annexure A1 to A6 in CRL.M.A. 12598/2024.

46. Exemption is allowed, subject to all just exceptions.

47. The application is disposed of.



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**I.A. 41054/2024 (Exemption)**

48. This is an application filed by Legal Heir i.e. LR-1(a) of deceased defendant under Section 528 Crpc seeking exemption from filing the certified copies of Document A1 to A3 in CRL.M.A. 29589/2024.

49. Exemption is allowed, subject to all just exceptions.

50. The application is disposed of.

I.A. 9664/2025 (Exemption)

51. This is an application filed by Legal Heir i.e. LR-1(a) of deceased defendant under Section 151 CPC seeking exemption from filing the certified, original/clear translated copies and document of annexure A1 to A3 in CRL.M.A. 11369/2025.

52. Exemption is allowed, subject to all just exceptions.

53. The application is disposed of.

CRL.M.A. 11785/2024, CRL.M.A. 12598/2024, CRL.M.A. 29589/2024 & CRL.M.A. 11369/2025 (Initiate Criminal Proceedings Against The Counsel Of The Plaintiff)

54. These applications filed on same allegations are filed by Legal Heir i.e. LR-1(a) of deceased defendant under Section 340 of of the Code of Criminal Procedure, 1973 and the corresponding provision under 379 the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking initiation of criminal proceedings against the plaintiff and his Counsel in relation to the judgment filed in **CS(OS) 1679/1982**, titled as **“Badri Bhagat Jhandewala Temple Society v. DDA”**.

55. It is submitted by the applicant that a defective, partially printed and incomplete copy of the said judgment was filed, which is also noticed by the Court and therefore, the Court had directed the plaintiff



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to file complete certified copy of the judgment, which was subsequently supplied to the applicant.

56. The certified copy of the judgement was also filed before this court. However, this Court vide orders dated 03.09.2024 and again on 15.09.2025, directed the Registry (Original Side) to attach the original file of **Civil Suit No. 1679/1982** titled as “**Badri Bhagat Jhandewala Temple Society Vs. DDA**” with the present case.

57. It is submitted by the applicant that the Registry (Original Side) has not complied with the orders despite these directions. This court also notes that despite given repetitive directions, original file of the said suit has not been attached to the record of the present case.

58. On the other hand, learned Senior Counsel for the plaintiff submits that the plaintiff and his Counsel cannot be held responsible if the certified copies supplied by the Copying Agency were defective or incomplete.

59. Heard the submissions and perused the material on record.

60. In application No. 11785/2024, it is prayed that proceedings under Section 340 Cr.P.C. be initiated against the plaintiff for filing a defective judgment. In application No. 29589/2024, the same prayer has been made under the new Section 379 BNSS. In application No. 12598/2024 also the same prayer has been made. In application No. 11369/2025, the prayer is to take action against the Counsel for plaintiff under Section 340 Cr.P.C. for the same reason i.e. filing of a misleading judgment for seeking a final order in IA No. 8259/2024.

61. I am of the opinion that the law is well settled regarding the initiation of criminal proceedings under Section 340 Crpc for giving a false evidence. In **Prabhakar Yeshwant Masram v. Sou Tula**



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Namdeorao Jaipurkar, 2026 INSC 724, the Hon'ble Supreme Court held that such proceedings should be initiated in **exceptional circumstances** and not merely on account of innocent or immaterial inaccuracies.

62. In the present case, although an incomplete copy of the judgment in **CS(OS) 1679/1982** titled as “**Badri Bhagat Jhandewala Temple Society v. DDA**”, was initially filed, However, later on a complete certified copy was subsequently filed and copy of the same was supplied to the applicant. There is no material on record to show that the incomplete copy was deliberately filed by learned counsel for the plaintiff with the intention of misleading the Court. Accordingly, no ground is made out for initiating criminal proceedings on the basis of the allegations raised in these applications.

63. I am of the opinion that if the proceedings are initiated against the lawyers as prayed by the applicant, it would not be possible for the Counsel to properly represent the case, who do so on instructions of their parties. Hence, this praying is absolutely unwanted.

64. The applications are, therefore, dismissed.

65. However, the Registry (Original Side) is directed to file a report explaining as to why the directions contained in the order dated 03.09.2024 and 15.09.2025 for attachment of the original file of **Civil Suit No. 1679/1982** titled as “**Badri Bhagat Jhandewala Temple Society Vs. DDA**” had not been complied with.

66. These applications are disposed of accordingly.

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67. Let the parties appear before the Local Commissioner on 02.11.2026 at 3:00 pm, who shall fix the dates for recording of



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evidence and should complete the evidence within six months.

68. After completion of recording of evidence, the entire record of evidence be filed before the Joint Registrar on 13.04.2026.

VINOD KUMAR, J

OCTOBER 12, 2026/ *dd*/Sanskar