



2026:DHC:2889



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

% **Reserved on: 19th January, 2026**
Pronounced on: 07th April, 2026

+ **RFA 394/2023, CM APPL. 25538/2023, 38832/2025& 38833/2025**

MRS. KULDIP KAUR LUTHRA

W/o Sh. Charanjit Singh

R/o 2C/26, First Floor, New Rohtak Road,

Karol Bagh, Delhi-05

.....Appellant

Through: Mr. Ashish Kapur, Ms. Chhavi
Luthra, Mr. Anmol Kapur and Mr.
Rishap Atal, Advs.

versus

1. **SH. SARABJIT SINGH**

S/o Late Jasbir Singh

....Respondent No. 1

2. **SMT. HARINDER KAUR**

W/o Late Jasbir Singh

.....Respondent No.2

Both at -2C/26, Ground Floor, New Rohtak Road,

Karol Bagh, Delhi-05

Through: Mr. Manpreet Singh Dua, Mr.
Bharatdeep Singh & Ms. Kartigha,
AOR.

+ **CONT.CAS(C) 829/2025**

MRS. KULDIP KAUR LUTHRA

W/o Sh. Charanjit Singh

R/o 2C/26, First Floor, New Rohtak Road,

Karol Bagh, Delhi-05

.....Petitioner



Through: Mr. Ashish Kapur, Ms. Chhavi Luthra, Mr. Anmol Kapur and Mr. Rishap Atal, Advs.

versus

1. **SARABJIT SINGH**
S/o Late Jasbir Singh

2. **SUNITA LUTHRA**
W/o Sarabjeet Singh

Both at -2C/26, Ground Floor, New Rohtak Road,
Karol Bagh, Delhi-05.

.....Respondents

Through: Mr. Manpreet Singh Dua, Mr. Bharatdeep Singh & Ms. Kartigha, AOR.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T

NEENA BANSAL KRISHNA, J.

CM APPL.38833/2025 (Exemption)

1. Exemption allowed, subject to all just exceptions.
2. The Application stands disposed of.

RFA 394/2023

3. Regular First Appeal under Section 96 read with Section 151 of the Code of Civil Procedure, 1908 (*hereinafter referred to as 'CPC'*) has been



filed on behalf of the Appellant/Plaintiff, to challenge the Judgment and Decree dated 19.11.2022 whereby the learned Additional District Judge, Tis Hazari Courts, Delhi, **has dismissed the Suit for Mandatory Injunction, Possession, damages, Mesne Profits and Injunction, against the Plaintiff.**

4. The Suit No. 616986/2016 was filed by the *Plaintiff for Mandatory Injunction, Possession, damages, Mesne Profits and Injunction.*

5. **Brief facts** are that **Smt. Harbhajan Kaur** was the owner of the entire property bearing No. 2C/26, New Rohtak Road, Karol Bagh, New Delhi, by virtue of the Sale Deed dated 01.12.1959. She had three sons, namely, Mr. Ravinder Singh Luthra, Mr. Charanjit Singh and Mr. S. Jasbir Singh. Mr. S. Jasbir Singh was apparently the adopted son, who died in May, 2001. The Respondents, who are the wife and sons of Late Mr. S. Jasbir Singh, have been living in the half ground floor portion of the subject Property, *which is the Suit Property in question*, on lease and license basis.

6. The Plaintiff further stated that Smt. Harbhajan Kaur, mother of Mr. Charanjit Singh, had executed a General Power of Attorney dated 22.06.2007, Ex.PW-1/2 in respect of the Property in question, in favour of Mr. Charanjit Singh to manage, deal and execute any documents in respect of the Property.

7. Mr. Charanjit Singh thereafter, on the basis of GPA for and on behalf of his mother, Ms. Harbhajan Kaur, *executed the Gift Deed dated 15.04.2008 in favour of his wife, Ms. Kuldip Kaur Luthra/Plaintiff, who thus, is asserted to have become the owner of the half ground floor portion, which is in occupation of the Respondents.*



8. The Plaintiff, wife of Mr. Charanjit Singh, asserted that being the close relatives, she never objected to their living in the Suit Premises, but it was with the clear understanding that they were only licensees and shall vacate the Suit Property, as and when required by the Plaintiff.

9. Due to the hostile attitude and misbehaviour of Defendants, Plaintiff was no more interested to allow them to remain in the premises. She served a Legal Notice dated 24.03.2009 asking them to vacate the premises after which, the present *Suit was filed for Possession and for Mesne Profits @Rs.10,000/- per month w.e.f. 16.04.2009.*

10. The Suit was contested by the **Respondents/Defendants, who in their Written Statement**, asserted that Plaintiff had no *locus standi* to file the Suit as she has no right to seek the possession from the Defendants, who had been in possession as co-owners, after the demise of original owner, Ms. Harbhajan Kaur, the real paternal grandmother of the Defendant No. 1 and mother-in-law of the Defendant No. 2.

11. It was asserted that Mr. Jasbir Singh, father of Defendant No. 1 and husband of Defendant No. 2, pre-deceased Ms. Harbhajan Kaur and after her demise, they are entitled to 1/4th undivided rights in the entire property in question. The genuineness of the *GPA and the Gift Deed*, was denied by asserting that these documents had been obtained by undue influence and therefore, did not create any right in favour of the Appellant. It was denied that the Gift Deed was ever executed by Late Ms. Harbhajan Kaur in favour of the Plaintiff, out of her free Will; in fact, she had no intention to give the property in dispute along with other portions of the Property in question, to the Plaintiff at any time and no circumstances ever existed of love and



affection of Ms. Harbhajan Kaur, which could have prompted her to execute the Gift Deed in favour of the Plaintiff.

12. On merits, the Defendants while admitting that Smt. Harbhajan Kaur was the owner of the Suit Property, denied that she ever executed any Will dated 22.06.2007 in favour of Late Mr. Charanjit Singh, bequeathing the entire first floor to him. The alleged Will is challenged to be a forged and false document.

13. It is asserted that *the genuineness of the Gift Deed dated 15.04.2008*, is also questioned on the ground that Ms. Harbhajan Kaur was alive at the time of execution of the Gift Deed and there was no reason for her to have not gone personally for execution of the Sale Deed. The very fact that it had been executed by Mr. Charanjit Singh, the husband of the Appellant, on the basis of the GPA, creates a doubt about the entire transaction.

14. Furthermore, had Ms. Harbhajan Kaur executed the Gift Deed voluntarily, out of her free will, she would have herself gone to get the documents registered. The Plaintiff's husband has obtained the GPA in his name by practicing fraud and undue influence upon Ms. Harbhajan Kaur and later, on the basis of this manipulated GPA, executed the Gift Deed in favour of his wife.

15. The Defendants stated that Ms. Harbhajan Kaur was living in Arya Mahila Ashram, Rajinder Nagar, New Delhi since 26.04.1995 and since then she never resided with her sons and daughters-in-law. There was no occasion for her to have executed the GPA for management of the Property, in favour of Mr. Charanjit Singh.



16. During her lifetime, Ms. Harbhajan Kaur was shifted to live in the Ashram whereby the half ground floor portion, was given to Mr. Jasbir Singh, the deceased son of Ms. Harbhajan Kaur, for residence while the remaining ground floor portion was given to the other son. The first floor was given to Mr. Charanjit Singh for residence purposes. Ms. Harbhajan Kaur was not in need of any money since she was not living with the Plaintiff, and there was no question of her having any special love and affection only for the Plaintiff. She had equal love and affection for all the sons, daughters-in-law and their children.

17. The Respondents/Defendants further asserted that Ms. Harbhajan Kaur was 87 years old, in 2007. She was not having good faculties and was not able to understand all the things properly, due to her old age and living alone away from her family in the Ashram.

18. The Defendants further claimed that they are in possession of the Suit Property since 1995, at the time when Ms. Harbhajan Kaur shifted to the Ashram. She had given this Suit Property to Mr. Jasbir Singh to live there for ever. It is denied that the Plaintiff had acquired ownership under the Gift Deed and asserted that the Suit was liable to be dismissed.

19. The Plaintiff/Appellant in her **Replication**, reaffirmed her case as stated in the Complaint.

20. The **issues on the pleadings**, were framed on 16.04.2010, which are as under:-

- a. *“Whether the suit of the plaintiff is not properly valued for the purposes of court fee and jurisdiction? OPD;*



- b. *Whether the plaintiff is the owner of the suit property? OPP;*
- c. *Whether the plaintiff is entitled for the relief of possession as claimed in the plaint? OPP;*
- d. *Whether the plaintiff is entitled for mesne profits/damages as claimed in the plaint? OPP;*
- e. *Whether the plaintiff is entitled for the relief of permanent injunction as claimed in the plaint? (OPP)”*

21. The Plaintiff in support of her case examined **PW-1, Mr. Ganesh Kumar**, who was a witness to the Will, which he proved as Ex.PW-1/1. He also proved the GPA dated 22.06.2007 in favour of Mr. Charanjit Singh, Ex.PW-1/2.

22. **PW-2, Mr. Vinod Kumar, Record Keeper** from Office of Sub-Registrar-III, Delhi-02, produced the record pertaining to PW-1 and PW-2 and deposed that they were registered in the Office of Sub-Registrar.

23. **PW-3 is the Plaintiff**, Ms. Kuldip Kaur Luthra, who deposed on similar lines as the Case set up in the Plaint.

24. **PW-4, Mr. Charanjit Singh** also proved the execution of the Will and GPA and corroborated the testimony of PW-3.

25. **Defendant No. 1, Mr. Sarabjeet Singh** examined himself as DW-1 in support of his Case.

26. **DW-2, Mr. Satbir Singh, Zonal Inspector, North Delhi, Municipal Corporation**, Karol Bagh Zone, Anand Parbat, ANC Department, Delhi, proved the receipt No. BM 064956 dated 03.08.2012 in regard to the



property tax w.e.f. 2003-2004 to 2012-2013 by Mr. Sarabjit Singh and Ms. Sunita as Ex. DW-2/1.

27. DW-3, Naib Subedar, Mr. S.K. Sharma, representative of Armed Forces, Delhi, proved the original service record of Lt. Col. Jasbir Singh Luthra as Ex. DW-3/1 wherein Mr. Sarabjeet Singh Luthra was shown as son of Lt. Col. Jasbir Singh Luthra.

28. DW-4, Mr. Satyavir produced the record, which is Ex. DW-4/1.

29. DW-5, Mr. Manoj Kumar, Ahlmad of the Court of ADJ, produced the certified copy of Civil Suit bearing No. CS No. 90/2014, titled *Sarabjit Singh vs. Charanjit Singh Luthra & Ors.*, as Ex. DW-5/1.

30. The *learned Additional District Judge* considered the GPA dated 22.06.2007 executed in favour of son, Charanjit Singh Luthra, allegedly by his mother on the basis of which, he executed the Gift Deed dated 15.04.2008, in favour of his wife. It was observed after due appreciation of the evidence, the execution of a GPA after the execution of the Will dated 14.06.2007 by Late Ms. Harbhajan Kaur, was not comprehensible. Once the Will had been executed, there was no need for execution of the Gift Deed.

31. The testimony of PW-1, Mr. Ganesh Kumar, the attesting witness was held to be confined only to him signing the GPA and the Gift Deed, but a reference was made to his ignorance about the contents of the two documents and did not prove the contents of the Gift Deed.

32. It was observed that earlier Will dated 20.10.2003 had been executed by Late Ms. Harbhajan Kaur Luthra *whereby the property had been divided equally amongst the three sons* i.e. Mr. Ravinder Singh Luthra, Ms.



Harindra Luthra, wife of Mr. S. Jasbir Singh and Mr. Charanjit Singh Luthra.

33. However, in the Will dated 14.06.2007 that was subsequently executed, there was no mention of the earlier Will and the suit property was bequeathed to Mr. Charanjit Singh and Mr. S. Ravinder Singh Luthra, to the absolute exclusion of the Defendants. It was observed that the very fact of an execution of Power of Attorney dated 22.06.2007 soon after the execution of the Will dated 14.06.2007, created a doubt about the entire transactions. Moreover, mere registration of GPA or the Will, was not sufficient to prove their execution. It was held that these documents had not been proved and thus, created no right, title in favour of the Plaintiff. It was further observed that once the Plaintiff was not shown to be the owner of the Suit Property, she was not entitled for possession and other reliefs. **Consequently, the Suit was dismissed.**

34. Aggrieved by the said Judgment, the Plaintiff/Appellant has challenged it by way of **the present Appeal**. **The grounds of challenge** are that the aforesaid Judgment has been passed by ignoring the documents and the evidence of the Appellant/Plaintiff and in fact, the Suit should have been decreed.

35. The Defendant had moved an Application under Section 151 CPC, which was dismissed by the learned District Judge on 02.07.2022. In between, an Application under Order XVIII CPC was filed by the Defendants, but it was also dismissed *vide* Order dated 19.11.2022. None of the parties had addressed final arguments on merits despite which the Suit



has been dismissed *vide* Judgment dated 19.11.2022. Both the parties have been deprived of their right of addressing the arguments.

36. The Plaintiff/Appellant further submitted that the Will and GPA was duly proved by PW-1, Mr. Ganesh Kumar, the attesting witness. PW-2, Mr. Vinod Kumar from the Office of Sub-Registrar, had also proved these documents. The further corroboration came from the testimony of PW-3 and nothing contrary emerged in her cross-examination. PW-4, Mr. Charanjit Singh also proved the execution of the Will and GPA and the other documents.

37. The witnesses examined by the Defendants, were not able to disprove the documents duly proved by the Plaintiff by examination of the witnesses. The Defendants miserably failed to prove their case. The evidence and the documents have not been rightly appreciated by the learned District Judge. *A prayer is, therefore, made that the Appeal be set-aside and the Suit of the Plaintiff/Appellant, be decreed.*

38. Written Submissions have been filed on behalf of the Respondents wherein the contentions as raised in the Appeal, are reaffirmed. Submissions heard and the record perused.

39. It is not in dispute that Ms. Harbhajan Kaur was the original owner of the property in question, as per the Sale Deed dated 01.12.1959, Ex.PW-1/1. It is further evident from the documents proved and placed on record by the Plaintiff that Ms. Harbhajan Kaur had executed an earlier Will dated 20.10.2003, wherein she had given the first floor portion of the property in question to her son, Mr. Charanjit Singh while the half portion on the ground floor, was given to Defendants, the legal heirs of son, Mr. Jasbir Singh and



the remaining half to Mr. Ravinder Singh Luthra, the third son of the Appellant. It is further brought on record that the **GPA dated 01.10.1983**, Ex.PW-1/4 was executed in favour of Mr. Charanjit Singh, the son in respect of management of the entire property in question.

40. It is also not in dispute that the Respondents came to reside in the property, in the year 1995. It is the same time when Ms. Harbhajan Kaur started residing in Arya Mahila Ashram since 26.04.1995, where she resided till her demise.

41. Plaintiff as PW-3 deposed that Ms. Harbhajan Kaur used to visit them every now and then and according to her, at least a day or two in a week. There is no evidence whatsoever to show that even though, Ms. Harbhajan Kaur was residing in an Ashram and not with her sons, she had inimical relationship with Mr. Charanjit Singh. Her faith in her son, Mr. Charanjit Singh, is evident from the fact that way back in October, 1983, she had executed a GPA in his favour for management of the entire property.

42. That there was no inimical relationship with any of the sons, is also evident from the Will dated 20.10.2003 wherein half share of the ground floor was given to the Respondents and Mr. Ravinder Singh Luthra respectively, while the first floor was given to Mr. Charanjit Singh.

43. From the testimony of PW-4 Charanjit Singh, the Plaintiff Kuldeep Kaur, as well as in the cross-examination of DW-1, Mr. Sarabjeet Singh, it has also emerged that Ms. Harbhajan Kaur had been essentially residing in Ashram, but her day-to-day needs were being taken care of by Mr. Charanjit Singh.



44. DW-1, Mr. Sarabjeet Singh deposed that Ms. Harbhajan Kaur had love and affection towards all the family members including Defendants, but he expressed his ignorance if Ms. Harbhajan Kaur had allowed Late Mr. Jasbir Singh and his family to reside in the Suit Property on leave and license basis, with a promise to vacate when desired. When questioned whether Mr. Charanjit Singh after execution of the documents, had permitted the Defendants, to continue to reside in the property on leave and license basis, the Respondent avoided the answer, by saying that he was not asked about this question and it all happened in between. However, he volunteered that Mr. Charanjit Singh had informed him that he had executed the documents i.e. the Will dated 14.06.2007, Ex.PW-1/1 and Gift Deed dated 15.04.2008, Ex.PW-1/2.

45. It is also pertinent to mention that DW-1 **Mr. Sarabjeet Singh** denied that Ms. Harbhajan Kaur died on the first floor of the Property in question. He stated that she expired in Jeewan Mala Hospital, New Rohtak Road, New Delhi-110005 and volunteered that he came to know about it from his neighbours as he was not aware of the same. He had no knowledge if Mr. Charanjit Singh had taken Ms. Harbhajan Kaur to Jeewan Mala Hospital, around 3-4 days prior to her death. He also was not aware if Ms. Harbhajan Kaur was residing with the Plaintiff and his family, before her death. He was not aware if the hospital and other expenses had been borne by the Plaintiff and her family.

46. DW-1 admitted in his cross-examination that last rites of Ms. Harbhajan Kaur were performed by Mr. Charanjit Singh, though he volunteered that their family members and other members of the family,



were also present. He was given a suggestion that he was not present in the last rites as the family of Ms. Harbhajan Kaur, as he had not been accepted as the son of Late Mr. Jasbir Singh and Defendant No.2, to which he vehemently denied. He further denied that because of the quarrel between Ms. Harbhajan Kaur and Late Mr. Jasbir Singh in 1995, she went to live in the old age home. He had no idea if Mr. Charanjit Singh had been paying all the expenses of Ashram/old age home. He admitted that while she was residing in the Ashram, she used to come to visit the family. He further admitted that Ms. Harbhajan Kaur had no independent income though, he denied that her daily necessities were fulfilled by the Plaintiff and her family. He claimed that they were also taking care of the daily necessities.

47. From the admissions made by the DW-1, Mr. Sarabjit Singh in his cross-examination, it emerges that Ms. Harbhajan Kaur, the mother had been taken care of all through her life by Late Mr. Charanjit Singh, and that there was little relationship between her and the Defendants. It is significant to note that the defendants, despite living in the same property, were not even aware of when she was taken to the hospital and when she died. It all clearly spelt out that Mr. Charanjit Singh was taking care of his mother, who had immense faith in him, which got reflected in execution of the GPA dated 01.10.1983, Ex.PW-1/4 in his favour and much later again, when the GPA dated 22.06.2007 was executed in his name, though this time, it was specifically in respect of half portion on the ground floor i.e. the entire Property bearing No. 2-C/26, measuring 300.00 sq. yards, situated at New Rohtak Road, Karol Bagh, New Delhi-110005, consisting of Ground Floor, First Floor and Barsasti Floor with open terrace/roof. The affection and trust



of Late Ms. Harbhajan Kaur towards Mr. Charanjit Singh, the husband of the Plaintiff, is thus, established on record.

48. There was an oblique reference by the Respondents/Defendants that Ms. Harbhajan Kaur was 87 years old and her mental faculties were not good, but pertinently, there is no evidence whatsoever in this regard on record. Rather DW-1, Mr. Sarabjit Singh had admitted that though Ms. Harbhajan Kaur was residing in the Ashram, she used to off and on, come to visit them in their house and that they also used to visit her at the Ashram. Aside from claiming that she was an old lady of 87 years, there is no evidence whatsoever produced to show that she lacked mental faculties or that there was any undue influence exerted upon her, in getting the Will/GPA executed from her.

49. The Will and GPA were duly proved by PW-1, Mr. Ganesh Kumar, who had deposed that he was a witness to the Will and the GPA and identified his signatures on the two documents. He further explained that on the day of execution of the Will, he had been called by Ms. Harbhajan Kaur, herself telephonically and he had remained present, when she had put her signatures and the Will was also signed by him. He deposed consistently about having accompanied her to the Office of Sub-Registrar, where the documents were duly registered.

50. This aspect is also corroborated by PW- Vinod Kumar, Record Keeper from the Office of Sub-Registrar, who on the basis of record, deposed that the Will, as well as, the Gift Deed, was duly registered in the Office of Sub-Registrar.



51. Pertinently, the Will dated 14.06.2007 has the photographs of Late Ms. Harbhajan Kaur. It is a bounden duty of the Sub-Registrar as well, to ensure that the signatures are executed in his presence. There is no evidence to prove any suspicious circumstances, to the contrary. ***The execution of the Will and the Gift Deed, was duly proved.***

52. The learned District Judge had found it intriguing that having executed the Will dated 14.06.2007, where was the need of executing the GPA on 22.06.2007 i.e. barely after seven days, in favour of Mr. Charanjit Singh. However, merely because after execution of Will, a GPA was executed in favour of Mr. Charanjit Singh, cannot in itself be a suspicious circumstance.

53. It cannot be overlooked that in the Will dated 14.06.2007, Ex.PW-1/1, Late Ms. Harbhajan Kaur had clearly stated that the half portion on the ground floor, shall go to the Plaintiff. The subsequent Gift Deed dated 15.04.2008, Ex.PW-1/2 executed in favour of the Plaintiff, is in absolute consonance with the contents of the Will dated 14.06.2007.

54. In fact, the intention of Ms. Harbhajan Kaur, to bequeath half share of the ground floor i.e. the suit property to the Plaintiff, has been reinforced by the execution of the Gift Deed. It is understandable that though the Will had been executed in favour of the Plaintiff in respect of the Suit Premises, but it is evident that in order to avoid any future disputes and to ensure that Plaintiff gets the share, the Gift Deed was soon thereafter, executed in respect of half share of the ground floor, which is presently in occupation of the Respondents.



55. The entire chain of events and the surrounding circumstances, proved the genuineness of the documents i.e. the Will, as well as, the Gift Deed and the Defendants have not been able to point out even any suspicious circumstance, in respect of these documents.

56. The *learned District Judge*, therefore, fell in error in disregarding the Will, as well as, the GPA in favour of the Plaintiff. The findings of the learned District Judge that the Plaintiff/Appellant did not acquire ownership in respect of half ground floor portion of the property in question, on the basis of Will dated 14.06.2007 and the Gift Deed dated 15.04.2008, is hereby set-aside. ***The Plaintiff is held to be the owner of the half portion of the ground floor of the property in question.***

57. Having held the Plaintiff as the owner of the Suit Property, *the next question*, which emerges is whether she is entitled to possession of the Property. As has already been discussed, the Respondents being the son and wife of Late Mr. Jasbir Singh, son of Ms. Harbhajan Kaur, had been in occupation of the Suit property as a family member, a fact which is not denied by the Defendants. Their occupation is, therefore, only permissive and once the owner decides to revoke the permission, there is no option for the Respondents, but to vacate the Suit Premises.

58. In view of the aforesaid, the Impugned Judgment dated 19.11.2022 is hereby, set-aside and the **Suit of the Plaintiff for Possession, is hereby, decreed.**

59. Insofar as the *Mesne Profits* are concerned, the Plaintiff in her testimony as PW-3 stated that the rental of the Suit Property is about Rs.14,000/-15,000/- per month, which is long time back i.e. around 8 or 9



years back. Her testimony was recorded on 29.07.2011. DW-1, Mr. Sarabjit Singh was also given a suggestion that the Property would get the rent of Rs.14,000/- to Rs.15,000/- per month at the time of filing of the Suit.

60. Considering the location and the area of the Suit Property, it can safely be accepted that the Property could have got about Rs.15,000/- per month. However, considering that the Respondents are the family members, who had been living in the Property with the permission of Ms. Harbhajan Kaur, *the Mesne Profits are granted @7,500/- per month along with the interest @6% p.a. from the date of institution of the Suit till the date of handing over of the possession.* The Respondents are given two months' time to vacate the premises, failing which the Appellant is at liberty to seek the Possession, in accordance with law.

61. The **Appeal is accordingly allowed.** In the circumstances, parties to bear their own cost. The Decree Sheet be drawn accordingly. The pending Applications are also disposed of, accordingly.

CONT.CAS(C) 829/2025:

62. A Contempt Petition under Section 12 of the Contempt of Courts Act, 1971 has been filed on behalf of the Appellant/Petitioner Kuldip Kaur Luthra against the Respondents, for violation of the Order dated 16.05.2023 passed in RFA No.394/2023.

63. It is explained that the petitioner/Plaintiff had filed a Suit for Mandatory Injunction, Possession, Mesne Profits against the Respondents which was dismissed *vide* Judgment dated 19.11.2022 by learned ADJ against which the RFA No.394/2023 has been filed. During the pendency of the RFA, *vide* Order dated 16.05.2023 had restrained the Respondents from



creating third party right or interest in the Suit property i.e. northern side of the Ground Floor of the property (150 sq. Yds.) forming part of property No.2C/26, New Rohtak Road, Karol Bagh, New Delhi.

64. The Appellant asserted that despite the Order dated 16.05.2023, the Respondents are hell bent on creating third party interest in the Suit property. Numerous strangers have visited and inspected the Suit property and enquired about the Northern portion of the Ground Floor of the property in question. The Petitioner had made complaints to the Respondents about the visits of strangers, but they did not mend their ways and hurled the abuses.

65. The Respondents without the consent of the Petitioner broke and damaged new tiles on the front wall, which were got installed by the Petitioner from her own money for the better look of the property. Time and again, strangers/Respondent park their car in front of the house of the Petitioner leaving no space for them to park their own car.

66. On 24.04.2025, the Respondent had affixed their name plate on the entrance of the property, wherein names of three strangers i.e. Amandeep Kaur, Kartigka and Mahant Swatantra Pal, had been mentioned, aside from the name of Respondent No.2 which reflects the *malafide* intention to put them in possession and create third party rights.

67. The Petitioner claims that the Respondents have parted with the possession to these three strangers and permitted them to occupy the Suit property, despite the stay orders of this Court. The Respondents have also threatened that they would hand over the Possession of the Suit property to



some outsiders, for which she has made a Police Complaint dated 25.04.2025 in P.S. D.B. Gupta Road, Delhi.

68. The Respondents time and again used abusive and foul language, towards the Petitioner and the family members. She is threatened by the Respondents who claims to be an Advocate and claims that they can twist the law and its procedures, to rope in the Petitioner and her family in false cases.

69. The Petitioner is suffering from old age and co-morbidities despite which nuisance is being created time and again. *Hence, a prayer is made that Contempt proceedings be initiated against the Respondents and directions be issued to SHO D.B. Gupta Road to comply with the Orders dated 16.05.2023 of this Court.*

70. The ***Respondents in their Reply*** have submitted that the present Contempt Petition has been filed against the Respondent No.2, Sunita Luthra who is the wife of Sarabjit Singh and is not a party to RFA. It is claimed that the allegations of the Petitioner that Respondents have parted with possession of property to three strangers and created third party rights, is absolutely false and is intended to threaten and put pressure on the Respondents. The Respondents assert that they had never parted with the possession of the property to any third party and there is no evidence to this effect.

71. The *true facts* are that the present Petition is a counter-blast, to put a pressure upon Respondent No.2 to withdraw the criminal Complaints filed by her, against the Petitioner and her family members for committing assault, by entering forcibly in the house of the Respondents.



72. On 03.05.2025 at about 12:00 noon, the Respondent No.2 was out of her house and was going towards the office of her colleague, when Supreet Kaur, daughter-in-law of Petitioner started screaming towards her and repeated her words as to why she has made a false Complaint against them. The *minor maid and her son Harmeet Singh*, also came there and they started a fight with Respondent No.2. She made a video on her mobile phone, which was then snatched by the Petitioner and in the process, Respondent No.2 suffered injuries. The neighbours came out and the Respondent No.2 was saved.

73. One neighbour Satrupa Chopra called the PCR on the spot on 03.05.2025. The police personnel namely Nitesh and Shubham got the phone recovered from Harmeet Singh, Supreet Kaur, Kuldip Kaur and their minor female maid and was handed over to Respondent No.2, after about 90 to 120 minutes, in the presence of neighbours. The statements of the parties were recorded. The medical examination of Respondent No.2 was got done at Dr. RML Hospital, in the presence of one lady Constable and her MLC was prepared.

74. The *Respondent No.2 is a practicing lawyer in Tis Hazari Court, New Delhi*. She got married to Respondent No.1 on 16.09.2012 and since her marriage, she has been residing with her husband in the Suit property. She along with the associates and colleagues affixed her name plate along with the names of her siblings, namely *Amandeep Kaur Advocate and Mahant Swatantar Pal*, her real brother who are both resident of Punjab, and Advocate Kartiga, Practicing in Supreme Court of India, outside the garage of her house, which is in possession of her husband for the last 30 years, but



there is no such name plate affixed as on date. Mere affixing of name plate, does not show that third party rights have been created in the Suit property. It was merely a symbolic act and does not amount to transfer of rights.

75. It is further stated that the name plate that was affixed by the Respondent No.2, has been removed by Harmeet Singh, son of Petitioner on the same day forcibly and has not allowed the Respondent No.2 to fix her name plate at her own residence, which is her legal right. He has even misbehaved with Respondent No.2 and threatened her with dire consequences. A Complaint dated 25.04.2025 has already been made by Respondent No.2 in this regard.

76. It is further asserted that the Petitioner has sought to mislead this Court by alleging numerous strangers have visited and inspected the Suit property, which is absolutely false. Whereas the correct fact is that the visiting relatives of Respondents stay in her house, but that does not mean that they are strangers and they make the Petitioner and her family uncomfortable. In fact, the Petitioner makes videos and took photographs on their mobile phones, for which Complaint has been made by Respondent No.2.

77. The Respondents being co-owners of the property after demise of the owner Smt. Harbhajan Kaur, the real grandmother of Respondent No.1 have inherited 1/3rd undivided right in the property in question. The Petitioner in connivance with her husband, intends to grab the share of the Respondents when in fact, they have not got any interest in the Suit property.

78. The Will dated 14.06.2007 had been executed in favour of Charanjeet Singh, while the Gift Deed had been executed in the name of Kuldeep Kaur.



It is submitted that Inder Pal, elder son of Kuldeep Kaur has got false and frivolous FIR registered against Respondent No.1 which is pending adjudication. There are multiple litigations which have been initiated by the parties against each other.

79. It is submitted that Respondent No.1 is innocent. The Respondent No.2 being the wife and a practicing lawyer, had tried to fix her name plate outside their garage, but that has also been taken down forcibly by the son of the Petitioner.

80. There is no merit in the present Petition which is liable to be dismissed.

Submissions heard and record perused.

81. It is evident from the submissions that it is an *inter se* dispute between the family members. The Petitioner is in occupation of 1/2 Ground Floor portion in which she is staking her claim, but unfortunately Smt. Harbhajan Kaur by way of her Will and a Gift Deed executed in favour of Kuldeep Kaur, has gifted the said property to Kuldeep Kaur, to the exclusion of the Petitioners. There are disputes in regard to the property, which has further escalated into multiple Suits, Complaints and criminal litigations.

82. The only allegation made by the Petitioner is that there are strangers visiting the property and the Respondents are intending to create third party rights, which in itself is not the violation of the Stay Order dated 16.05.2023. The allegations in the Petition are more conjectural and do not disclose any violation.

83. Rather, there are specific allegations of fight, etc made against the Respondent No.2. Moreover, Smt. Sunita Luthra is not even a party to the



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main RFA and she happens to be the wife of Respondent No.1, who had merely endeavoured to put her name plate, which also was not acceptable to the petitioner. The Petitioner has miserably failed to show violation of the Order dated 16.05.2023.

84. There is no merit in the Contempt Petition, which is hereby, dismissed. The pending Applications are disposed of, accordingly.

**(NEENA BANSAL KRISHNA)
JUDGE**

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