



* IN THE HIGH COURT OF DELHI AT NEW DELHI
% *Reserved on: 13th May, 2026*

Pronounced on: 26th May, 2026

+ **RSA 149/2025 & CM APPL. 60353/2025**

BHULLAN SINGH

S/o Tika Ram (since deceased)

And represented by Arun Kumar (his grandson)

R/o Quarter No. 90-91,

Scindia Potteries Labour Quarters Complex

Sarojini Nagar, New Delhi.

.....Appellant

Through: Mr. Vijay Pal Singh and Mr. Yogesh
Kumar, Advocates.

versus

M/S SCINDIA POTTERIES & SERVICES PVT. LTD.

Add. - Sarojini Nagar, New Delhi.

.....Respondent

Through: Mr. Anirban Bhattacharya, Advocate.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T

NEENA BANSAL KRISHNA, J.

1. *Regular Second Appeal under Section 100 CPC*, has been filed against the Judgment and Decree dated 05.06.2025 passed in RCA DJ No. 22/2021, whereby the learned District Judge upheld the Judgment and Decree dated 11.11.2021 passed by the learned JSCC/ASCJ/GJ, ***decreeing the Suit for Possession in respect of Quarter No. 90, Scindia Potteries Labour Quarter Complex, Sarojini Nagar, New Delhi, filed by the Plaintiff/Respondent.***

2. The Plaintiff had filed a Suit bearing No.6877/16 for Possession in respect of Quarter No.90, Scindia Potteries, Labour Quarter Complex, Sarojini Nagar, New Delhi(*hereinafter referred to as Suit property*).



3. The *facts in brief* are that the Plaintiff Company claimed itself to be the owner of a huge property at Sarojini Nagar, New Delhi, by virtue of a Perpetual Lease Deed dated 18.01.1921. The original Lease Deed dated 18.01.1921 was obtained by Development Corporation of India Ltd. As per the terms of the Perpetual Lease Deed, the said Development Corporation of India Ltd. had alienated the property in favour of the predecessor of the Plaintiff Company, by virtue of an Indenture in 1923.

4. The Plaintiff Company, which was running its pottery factory in a portion of the said property, had employed a number of persons, to work in the factory and had built a large number of quarters adjoining Africa Avenue, which were allotted to its workers for their residence during the period of their service/employment, with the Plaintiff Company.

5. In the year 1969-70, the factory was virtually closed and a substantial number of workers were retrenched/removed. The Defendant/Appellant Bhullan Singh was an employee of the Plaintiff Company, who was retrenched from service in the year 1970. He thereafter, was employed in the Postal Department, Government of India. During the course of his employment, he was allotted Quarter No. 91, as an employee.

6. A *Suit bearing No. 339/1973*, was filed for possession of Quarter No. 91, which was decreed on 25.01.1974. Inadvertently, the Execution Petition could not be filed within the statutory period of 12 years and consequently became barred by limitation, in the year 1986.

7. It is the case of the Plaintiff that the Defendant, emboldened by the aforesaid facts, sometime in the year 1990 or thereabout, unauthorizedly and illegally occupied Quarter No. 90 (*adjacent to Quarter No. 91*) in the Scindia Potteries Labour Quarter Complex, though neither he had nor has,



any right, title or interest in the said Quarter. It is alleged that since then, he and his family have been residing in Quarter No. 90 unauthorizedly and are in illegal and unlawful possession thereof.

8. The Plaintiff asked the Defendant and his family members, to vacate the Suit property time and again, but they failed to pay any heed to the demands of the Plaintiff. The Plaintiff, therefore, *filed a Suit for Possession in respect of the Suit property, against the Defendant.*

9. The Suit was contested by the Defendant, who in his **Written Statement**, took a *preliminary objection* that he had been in possession of the Suit property since 1976 and had made constructions and renovations therein at his own cost. The Suit has become barred under Article 65 of the Limitation Act, 1963, since the Suit had been filed after more than 12 years of continuous, uninterrupted and undisputed possession of the Defendant.

10. It was further contended that in a Suit for Possession against a trespasser, all the persons residing in the Suit property are essential and necessary parties. Since they had not been impleaded in the present Suit, the Suit was liable *to be dismissed for non-joinder of essential and necessary parties.*

11. It was further claimed that the market value of the Suit property was more than Rs. 50 lakhs and that the Suit property had been undervalued. Consequently, *the Court had no pecuniary jurisdiction to entertain the Suit.*

12. It was also contended that the Plaintiff was never the owner of the Suit property and that no Notice had ever been served upon the Defendant, claiming title over the Suit property. Furthermore, it is contended that no authentic Site Plan with measurements had been filed, along with the Plaintiff.



Hence, the Defendant claimed that *the Suit was liable to be rejected under Order VII Rule 11 CPC.*

13. *On merits,* it was denied that the Plaintiff was a Company incorporated under the Indian Companies Act or that it was originally incorporated as Gwalior Potteries (Delhi) Ltd., which was subsequently changed to Scindia Potteries (P) Ltd. and finally to Scindia Potteries and Services Ltd.

14. It was further denied that the original Lease Deed dated 1921 was obtained by Development Corporation of India Ltd. and it was also denied that the Lease Deed conferred rights of alienation upon the then Lessee, who thereafter, alienated the property in favour of the predecessor of the Plaintiff Company. It was further denied that the quarters had been constructed by the Plaintiff Company or that the factory had virtually closed in the year 1969-70.

15. The Defendant asserted that he, along with his family members, had been in peaceful, undisputed and uninterrupted possession of the Suit property for more than 25 years and had thus, *become the owner thereof by way of adverse possession.* The Defendant denied that he had unauthorizedly occupied the Suit property.

16. All the averments made in the Plaint were denied and it was claimed that *the Suit was liable to be dismissed.*

17. Upon consideration of the pleadings of the parties, the ***Issues were framed on 07.02.2002, as under:***

- “(1) Whether the suit of the plaintiff is barred by limitation? OPD*
- (2) Whether suit of the plaintiff is bad for non-joinder of necessary parties? OPD*
- (3) Whether suit of the plaintiff is correctly valued for the purpose of court fees and jurisdiction? OPP*



(4) *Whether plaintiff Company is entitled to the decree of possession as prayed for? OPP*
(5) *Relief.*”

18. An *additional Issue no. 4-A* was subsequently framed *vide* Order dated 08.01.2004, as under: -

“Issue no. 4-A: Whether the defendant and/or his family members have become owners of the suit property by adverse possession? OPD”

19. In support of its case, the Plaintiff examined **PW-1 Sh. Yogesh Kumar, UDC from Delhi Archives**, who proved the Perpetual Lease Deed dated 18.01.1921 as Ex. PW-1/1.

20. **PW-2, Sh. M.S. Chawla**, an Architect by profession, proved the Valuation Report dated 25.05.2001 of the Suit property and also the Site Plan which are Ex. P-1 to P-8.

21. **PW-3, Sh. P.K. Ram**, deposed on behalf of the Plaintiff, in regard to the contents of the Plaint.

22. *It is relevant to note that Sh. Bhullan Singh, i.e. the original Defendant, died before the Defence evidence could be led.*

23. **DW-1, Sh. Ramphal**, the son of the original Defendant Sh. Bhullan Singh was partly cross-examined, as he too died during the pendency of his cross-examination.

24. **DW-2, Sh. Gur Sahai**, Astd. Engineer of CPWD, proved the Identity Card of the Defendant, Sh. Bhullan Singh, issued by CPWD, as Ex. DW-1/B. The Service Master Record of the Defendant is DW1/B and Mark C.

25. **DW-3, Rajesh and DW-4 Sh. Shyam Sunder**, the grandsons of the Defendant Sh. Bhullan Singh, deposed on Affidavit in regard to the defence as taken in the Written Statement.



26. The *learned Civil Judge* considered the defence of adverse possession taken by the Defendant and, on the basis of the evidence led by the Parties, concluded *that the Defendants had failed to prove acquisition of title by way of adverse possession.*

27. It was further held that the Suit for Possession of immovable property being based on title, the limitation period of 12 years under Article 65 of the Limitation Act, 1963, which would commence from the date when the Defendants' interest became adverse to the Plaintiff. Accordingly, it was held that the Suit had been filed within limitation. *The Suit of the Plaintiff for possession of the Suit property was consequently decreed, vide Judgment dated 11.11.2021.*

28. The first Regular Appeal bearing **RCA DJ No. 22/2021** was filed to challenge the Judgement and Decree dated *11.11.2021*. In the course of the Appeal proceedings, the learned District Judge allowed the Appellant to lead additional documentary evidence, namely, the Letter dated 30.06.1998 issued by L&DO, the Order dated 25.10.2010 passed in W.P.(C) No. 1295/1998, and the Letter dated 01.08.2013 issued by L&DO, *vide* which a demand of Rs. 16,99,62,030/- was raised against the Respondent to be paid within 60 days for regularisation of the breaches and withdrawal of re-entry of the premises, in order to show that the lease of the Respondent had been determined and that the L&DO had re-entered the premises. *These documents were admitted by the Plaintiff.*

29. The *Plaintiff was also permitted to lead additional evidence*, whereby it proved the Letter dated 20.05.2024 Ex. RW-2/1, issued by L&DO, as per which certain payments had been made to L&DO by the Respondent, the Order of re-entry passed by the L&DO in respect of the Suit premises stood



withdrawn, and the rights and title of the Respondent under the Lease Deed, stood restored.

30. Upon re-appreciation of the entire evidence, the *learned District Judge* upheld the findings of the learned Trial Court and *dismissed the Appeal as devoid of merit, vide the impugned Judgment and Decree dated 05.06.2025.*

31. Being aggrieved thereby, the *present Regular Second Appeal* has been preferred by the Legal Heirs of the deceased Defendant, Shri Bhullan Singh.

32. The *grounds of challenge*, are that the Plaintiff had *committed fraud* upon the Court by claiming to be a Lessee of the Suit property, without placing any supporting document on record.

33. It has further not been appreciated that the Lease was determined *vide* Order dated 25.10.2010 passed in W.P.(C) No. 1295/1998 in the matter of *'Scindia Potteries and Services Ltd. & Ors. vs. Deputy Land and Development Officer and Ors.'* It is submitted that this material fact of the determination of the Lease Deed *vide* Order dated 01.08.2013, has been concealed from the Court. Once L&DO/UOI admitted that the Lease in respect of the Suit property was determined, it is not appreciated as to how the Respondent could have been held entitled to file the Suit in 2001.

34. Furthermore, the assets of the Company existing on 01.02.1923, were transferred in favour of the Company, which came into existence on 20.05.1946 and the said Company was considered as the owner of the Suit property, without any documentary proof.

35. It has further been contended that the Orders/judgements passed by the two Courts below, have failed to appreciate that subsequent Orders



passed by any Court, cannot be relied upon to fill the lacunae in the Suit for Possession, particularly wherein no document of ownership was filed and the Decree had been obtained by fraud.

36. It has not been appreciated that the Plaintiff Company cannot be considered as a successor of Gwalior Potteries Limited, without any documents. The L&DO never executed the Lease in favour of the Respondent, after the Lease dated 01.02.1923 in favour of Gwalior Potteries (Delhi) Ltd. It has not been considered as to how Gwalior Potteries (Delhi) Ltd. assigned its rights to the Plaintiff and there has been no discussion in regard to the ownership of the Plaintiff in the Suit property.

37. The Hon'ble Supreme Court had specifically held that only the person having a better title than the person in possession of the property, can claim a right against the person in settled possession thereof. The Supreme Court has specifically held in a catena of cases that the reliance on a part of the Judgment, which is obiter dicta and not the ratio of the Judgment, cannot be relied upon by the Trial Courts to declare the ownership of the Plaintiff Company. The Supreme Court in AIR 1977 SC 2421, has held that where the Suit is vexatious, even a Notice of such Suit is not merited.

38. *Hence, it was submitted that the impugned Judgments of the two Courts be set aside.*

39. **The Respondent had appeared on advance Notice** and submitted that no Substantial Question of Law was raised and that the Appeal is liable to be dismissed.

Submissions heard and record perused.

40. Essentially, the defence of the Appellant is twofold:



- (i) *Whether the respondent was the owner of the suit property? and*
- (ii) *Whether the Plaintiff/respondent had acquired ownership by adverse Possession?*

Whether the Respondent is the Owner of the Suit Property:

41. The *main contention* of the Appellant was that the perpetual Lease Deed was in the name of Gwalior Potteries (Delhi) Ltd. and not in the name of Respondent Scindia Potteries and Services Ltd. It has been held both by the learned Civil Judge as well as by the learned District Judge, that though initially the Company was incorporated as Gwalior Potteries (Delhi) Limited, its name was subsequently changed and it ultimately came to exist in the name of Scindia Potteries and Services Limited. Therefore, the contention of the Appellant that the Respondent was not the person having a perpetual Lease Deed in their favour was patently incorrect.

42. The second contention of the Appellant, is that the perpetual Lease Deed in favour of the Respondent, had been cancelled and the L&DO had re-entered the premises, consequent to which the Respondent ceased to be the owner of the suit property. However, the Letter dated 20.05.2024, Ex. RW-2/1, issued by L&DO clearly recorded that after clearing of the dues, the Perpetual Lease Deed was restored in favour of the Respondent.

43. In this regard, it may be pertinent to note that there were multiple litigations undertaken by the Respondent against various occupants of the Units in the same Property, all of which had been decreed in favour of the Respondent by holding the Respondent to be the owner of the Property in question.



44. This Court in RSA 404/2015 titled *Hari Kishan vs. M/s Scindia Potteries and Services Ltd.*, 2015 SCC OnLine Del 13584, which was a litigation initiated by the Respondent in respect of Quarter No. 74 in the Property in question, held the Respondent to be the owner of the Suit Property. *It was observed that the Perpetual Lease Deed was mutated in the name of the Respondent, thereby establishing the ownership of the Respondent in the Suit Property.*

45. Similar observations were made in RSA 86/2016 titled *Sukhbir Singh vs. Scindia Potteries and Services Ltd.*, 2016 SCC OnLine Del 6053, which had been undertaken by the Respondent in respect of Quarter No. 6, wherein a similar objection taken by the occupant, was rejected and the Respondent was held to be the owner.

46. Also, similar observations were made in RSA 225/2017 titled as *Nathu Ram vs. Scindia Potteries and Services Limited*, which pertained to Quarter No.68.

47. Therefore, the Learned District Court rightly concluded that the title of the Plaintiff under the Perpetual Lease Deed from the L&DO in respect of the entire premises of Scindia Potteries and Services Limited, had been recognised in various litigations and the title of the Respondent in the Properties in question, stood established.

48. *It may be observed that these findings are based on facts and do not raise any substantial question of law.*

Whether the appellant has acquired ownership by adverse possession?

49. The legal position in regard to the essentials to establish acquisition of Property or acquisition of *Title by adverse possession*, has been well settled



by a long line of decisions of Supreme Court and High Court; some of which are S. M. Karim vs. Mst. Bibi Skina, AIR 1964 SC 1254; Annasaheb Bapusaheb Patil and Others vs. Balwant @ Balasahet Babusaheb Patil (dead) by LRs & herirs etc., AIR 1995 SC 895; Konda lakshmana Bapuji vs. Govt. of A.P. and Others; 2002 (3) SCC 258; Karnataka Board of Wakf vs. Government of India and Others, 2004 (910) SCC 779; and T. Anjanappa and others vs. Somalingappa and Another, 2006 (7) SCC 750.

50. Learned District Judge had summed up the principles applicable for adverse possession, as under:

“(1) Onus to prove the question of title by adverse possession is on the party who makes such a claim.

(2) Mere long possession of the land is not enough. What is important is whether the possessor had the animus possidendi to hold the land adverse to the title of the true owner.

(3) The period of limitation starts running from the date both actual possession and assertion of title are shown to exist.

(4) The assertion of title adverse to the true owner must be clear and unequivocal, though not necessarily addressed to the real owner.

(5) The party claiming adverse possession must prove that his possession is “nec vi, nec clam nec precario”.

(6) The party claiming title by adverse possession must make clear averments to that effect and explain as to when he entered into the possession of the property and when the possession became adverse.”

51. The learned District Judge had referred to the testimony of DW-3 Sh. Rajesh and DW-4 Sh. Shyam Sunder who, in their respective cross-



examination, had shown complete ignorance of the material facts in regard to the payment of House Tax and Lease rent and was not aware if the same were being paid by the Plaintiff Company. *He further deposed that his grand-father had set up a defence of adverse possession against the Plaintiff Company, but he was not aware of the case till the demise of his grand-father.* His entire testimony was stated to be based on hearsay and therefore, was of no relevance.

52. It was thus, concluded that the Appellants had failed to prove that their father had the *animus possidendi* to hold the suit premises adverse to the title of the true owner or that their possession was *nec vi, nec clam, nec precario* ("without force, without secrecy, and without permission") *It was thus, concluded that the Defendants/Appellants had failed to prove the plea of adverse possession.*

53. Furthermore, as per Article 65 of the Limitation Act, the limitation for possession of immovable property or any interest therein based on title, begins to run from the date when the Defendants' interest became adverse to the Plaintiff. Therefore, it was incumbent upon the Defendants to establish the date from which they started claiming ownership in the suit property. However, no such date was disclosed by the Defendants.

54. Moreover, both DW-3 & DW-4 had deposed that their father had claimed ownership of the Suit Property, but had not purchased it and had also not claimed any right, title or interest in the Suit Property, as their father was alive and they were living with him. It was thus, rightly concluded *that the plea of adverse possession could not be established by the Appellants, either through any documentary or oral evidence.* Hence, it was held that



the Appellants had not been able to prove that they had acquired title in the Suit Property by adverse possession.

55. Learned Trial Court as well as learned District Judge in their respective Judgments, have rightly concluded that the Plaintiff / Respondent was entitled to the possession of the Suit Property.

56. There is no substantial question of law that has been raised in the present Appeal, which has essentially challenged the findings on facts.

57. There is no merit in the present Appeal, which is hereby, **dismissed** along with pending Applications.

**(NEENA BANSAL KRISHNA)
JUDGE**

MAY 26, 2026/R/va