

RAM AVTAR GUPTA

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Date: 11-02-2022

To

Krisumi Corporation Private Limited,
3rd Floor, Central Plaza Mall, Golf Course Road,
Sector-53, Gurgaon-122002 (Haryana)

Subject: - Advocate fee Bill in Civil Suit No. CS-3864/2019 titled as Devender Kumar etc. Vs. Rajender etc. and Bluejays Realtech Pvt. Ltd. (defendant No.9 Krisumi Corporation Pvt. Ltd.) pending in the court of Sh. Anil Kumar, Civil Judge at Distt. Court, Gurugram for 05-05-2022:-

Sir,

My legal fee above cited case as under: -

Advocate Fee	:	Rs. 1,20,000/-
Total	:	Rs. 1,20,000/-

(Rupees One Lakh Twenty Thousand Only)

Ram Avtar Gupta
(RAM AVTAR GUPTA),
Advocate

Account No. 55052355342
Bank Name: State Bank of India
IFSC Code: SBIN0050640
Branch: Mini Sectt., Gurugram
In the name of Ram Avtar Gupta

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Rambin
15/2/2022

15 FEB 2022

IN THE COURT OF CIVIL JUDGE, SENIOR DIVISION,
GURUGRAM

1. Devender Kumar, age 52 years, 2. Babu Lal, age 42 years, 3. Satish Kumar, age 47 years, sons, 4. Smt. Balesh, age 45 years, 5. Smt. Savita, age 40 years, daughters, 6. Smt. Mam Chandi, age 70 years widow of Hari Ram S/o Kamal Singh,

7. Satbir Singh, age 48 years, 8. Subhash, age 46 years, 9. Bijender Singh, age 40 years sons, 10. Smt. Billo Devi, age 45 years, widow of Bed Ram son of Kamal Singh, all residents of village Mohammedpur Jharsa, Tehsil and District Gurugram, Haryana.

.....Plaintiffs

Versus

1. Rajender, 2. Laxmi Narayan, 3. Naresh Pal @ Naresh, sons of Karori Mal, all residents of Village Kherki Daula, Tehsil Manesar District Gurugram.

4. Raj Devli, wife, 5. Ved Parkash yadav, 6. Alok Parkash, sons, 7. Smt. Abhilasha Yadav, daughter of Rajender son of Karori Mal,

8. Smt. Rita wife of Sh. Pritam Chauhan S/o Kudia Ram, R/o Village Narsingpur, Tehsil and District Gurugram, Haryana.

9. M/s Bluejays Realtech Pvt. Ltd. having its registered office B-5, Chirang Enclave, New Delhi through its authorized signatory Sh. Ramesh Gulia

.....Defendants

Suit for declaration with consequential relief of
Permanent Injunction

Sir,

The plaintiffs most humbly submit as under:-

1. That one Sh. Karori Mal S/o Sh. Ram Parshad S/o Sh. Ishwar (father of defendant nos. 1 to 3) R/o Village Kherki Daula, Tehsil Manesar District Gurugram was owner of agriculture land comprised in Khewat/Khata no.225/339, rect No. 1, Killa no. 14/2(1-12) situated within the revenue estate of Village Sihi, Tehsil and District Gurugram.
2. That the said Karori Mal sold away the above stated land fully detailed and described in para no.1 of the plaint to Sh. Hari Ram and Bed Ram sons of Sh. Kamal Singh R/o Village Mohammedpur Jhasra, Tehsil and District Gurugram in equal share vide registered Sale Deed bearing vasika no.2137 dated 22.07.1983 registered in the office of the Sub Registrar, Gurugram. The Certified copy of the Sale Deed is attached with the plaint.
3. That the said Karori Mal after selling the above stated land to Bed Ram and Hari Ram, illegally, unlawfully secretly and stealthily transferred the above stated land fully detailed and described in para no.1 of the plaint vide Civil Court decree dated

18.10.1984 passed in Civil Suit no.784 titled as "Rajender etc. Vs Karori Mal". The defendant no.1 to 3 on the basis of the said judgment and decree got incorporate their names in the revenue record and a mutation bearing no.1221 got entered and sanctioned on 07.01.1985. The above stated civil judgment and decree as well as mutation no. 1281 are illegal, unlawful, null & void, nonest and not binding upon the right, title and interest of the plaintiffs as the Karori Mal has already sold away the land in question to the father of the plaintiffs namely Sh. Hari Ram and Sh. Bed Ram.

4. That the defendant no.1 namely Sh. Rajender further suffered a Civil Decree in favour of his wife namely Smt.Raj Devli, his sons namely Ved Parkash yadav, Alok Parkash Yadav, and his daughter namely Smt. Abhilasha i.e. defendants 4 to 7 vide Civil Court decree dated 25.02.2008 passed by the Hon'ble Court of Mrs. Suruchi Atreja, the then Civil Judge, Gurugram in a Civil Suit No. 495A dated 03.08.2006 titled as "Raj Devli etc Vs General Public".

The defendant no.4 to 7 on the basis of the said judgment and decree got incorporate their names in the revenue record and a mutation bearing no.2565 got entered and sanctioned on 27.08.2008. The said judgment and decree dated 25.02.2008 passed by the Hon'ble Court of Ms. Suruchi Atreja, the then Civil Judge, Gurugram and mutation no. 2565 are illegal, unlawful and nonest and is not binding upon the right, title and interest of the plaintiffs.

5. That the defendant no.2 namely Sh. Laxmi Narayan, illegally unlawfully secretly and stealthily sold away the suit land to the defendant no.8 vide registered Sale Deed bearing vasika no. 1234 dated 24.08.2012. On the basis of Sale Deed bearing vaiska no. 1234 dated 24.08.2012, the defendant no. 8 has incorporated her name in the revenue records and a mutation bearing no. 2926 sanctioned on 14.09.2012 The said Sale deed and mutation are illegal, unlawful, null and void and are not binding upon the right, title and interest of the plaintiff.

6. That the defendant no.3 and defendants nos. 4 to 7 also illegally, unlawfully, secretly, stealthily sold away the suit land to defendant no.8 vide registered Sale Deed bearing vasika no. 2035 dated 24.10.2011 and on the basis of the said illegal and unlawful sale deed, the defendant no.8 also incorporated her name in the revenue record and a mutation bearing no. 2827 got sanctioned on 20.11.2011. The above said sale deed bearing vasika no. 2035 dated 24.10.2011 and mutation no. 2827 dated 20.11.2011 are illegal, unlawful null and void and are not binding upon the right, title and interest of the plaintiffs and the same are liable to be cancelled.

7. That defendant no.8 after purchasing the suit land from defendant nos. 2 to 7 further illegally and unlawfully, secretly and stealthily sold away the suit land to defendant no. 9 vide Sale Deed bearing vasika no. 2057 dated 19.12.2012. The defendant no.9 on the basis of the above stated sale deed got entered its name in the revenue records and a

mutation no.2963 has been sanctioned on 22.11.2012. The above said Sale Deed bearing vasika no. 2057 dated 19.12.2012 and mutation no. 2963 dated 22.11.2012 are illegal, null and void and not binding upon the right, title and interest of the plaintiffs.

8. That Sh. Hari Ram has expired on 20.06.2009 and the plaintiffs nos.1 to 6 have inherited the share of Sh. Hari Ram in the suit property. Similarly Sh. Bed Ram has also expired on 16.05.2007 and his share has been inherited by plaintiffs nos. 7 to 10 in the suit property. The death certificates of Sh. Hari Ram as well as Bed Ram sons of Kamal Singh are attached with the plaint.

9. That after purchasing the suit land, Sh. Hari Ram and Sh. Bed Ram obtained the physical possession of the suit land and till their death, they remained in physical possession of the suit land. After their deaths, the plaintiffs inherited the suit land and have been coming in physical possession of the suit land. It is submitted that Sh. Hari Ram and Bed Ram were simpleton village persons having

no knowledge of the revenue record and Hari Ram and Bed Ram being illiterate persons could not get their names incorporated in the revenue record though they had become absolute owner of the suit land. The plaintiffs also did not get their name in the revenue record though they have also become absolute owner of the suit land after the death of Hari Ram and Bed Ram being the Legal Heirs of above stated Hari Ram and Bed Ram. It is also pertinent to mention that the original Sale Deed which was executed and registered by Sh. Karori Mal in favour of Sh. Bed Ram and Hari Ram had also lost and is not traceable till today.

10. That the father of defendant no.1 to 3 after selling the suit land to father and husband of plaintiffs had left with no right, title and interest in the suit land and Sh. Karori Mal had also no right to suffer a Civil Decree in favour of defendants nos. 1 to 3. Similarly the defendant no.1 to 7 had no right to sell the suit land in favour of defendant no.8. The defendant no.8 had also no right, title or interest to further sold the suit

land to the defendant no.9, therefore, all the sale deeds, Civil Decree, and mutations stated above are illegal, unlawful, null and void, nonest and are not binding upon the right, title and interest of the plaintiffs and all the above stated civil decrees, sale deeds and mutations are liable to be set aside.

11. That the defendants no.9 on the basis of the Sale Deed bearing vasika no. 2057 dated 19.12.2012 has started claiming itself to be owner of the suit land to which the defendant no.9 has no right, title or interest to do so. The defendant no. 9 has also threatened the plaintiffs to dispossess them from the suit land and also threatened to alienate the suit land to someone else. In case, the defendant no.9 succeed in its ulterior motive then in that case, it will cast a cloud on the right, title and interest of the plaintiffs and the plaintiff would suffer irreparable loss and injury which cannot be compensated in terms of money, therefore, the plaintiffs have a legal right to get a declaration that Sh. Karori Mal after selling the suit land to the father and

husband of the plaintiffs namely Sh. Hari Ram and Bed Ram had no right to transfer the suit land by way of Civil Decree in favour of defendants nos. 1 to 3 and subsequently further transfers in favour of defendant no.8 and 9 are also illegal, unlawful, null and void and not binding upon the right, title and interest of the plaintiffs. The plaintiffs further has a legal right to get the defendant no.9 restraining from interfering in the peaceful possession of the plaintiffs in the suit land and further restraining the defendant no.9 to transfer the suit land in any manner to anybody else by way of filing the present suit, hence this suit.

12. That the plaintiffs requested the defendant no.9 to acknowledge the ownership and possession of the plaintiffs and not to claim any right, title and interest in the suit property and further not to interfere in the peaceful possession of the plaintiffs. the defendant no. 9 firstly put the matter on one pretext or the other and finally refused to accede the request of the plaintiffs on or

about 14.10.2019 which is the final date of cause of action to file the present suit.

13. That the present suit is suit for title and where any dispute regarding the title of ownership there is no limitation to seek the declaration of title.

14. That no other suit between the same parties on the same cause of action has been previously instituted or finally decided by any competent court of law or jurisdiction.

15. That the suit property is situated within the territorial jurisdiction of this Hon'ble Court hence, the Hon'ble Court has got jurisdiction to try and entertain the present suit.

16. That the value of the suit for the purposes of court fee and jurisdiction is assessed Rs.200/- on which a fixed court fee of Rs.25/- has been affixed on the plaint.

The plaintiff therefore, most respectfully pray that a decree for declaration to the effect that the plaintiffs are owner in possession of the suit land detailed and described in para no.1 of the plaint and the Civil judgment and Decree 18.10.1984 passed in

Civil Suit bearing No. 784 titled as "Rajender etc. Vs Karori Mal" and its mutation no. 1221 dated 07.01.1985, Civil judgment and decree dated 25.02.2008 passed in Civil Suit bearing no. 495A titled as "Raj Devli etc Vs General Public" and its mutation bearing no. 2565 dated 27.08.2008 and the sale Deed vasika no. 2035 dated 24.10.2011 and its mutation bearing no. 2827, and the sale deed bearing vasika no. 1234 dated 24.08.2012 and its mutations bearing no. 2926 and the sale Deed bearing vasika no. 2057 dated 19.12.2012 and its mutation bearing no. 2963 may kindly be declared illegal, unlawful, null and void, nonest and not binding upon the right, title and interest of the plaintiffs in any manner whatsoever may kindly be passed in favour of the plaintiffs and against the defendants.

The plaintiffs further prays a decree for permanent injunction restraining the defendant no. 9 from interfering in the peaceful possession of the plaintiff and also not to alienate or creating lien/ charge or encumbrance over the suit land detailed and

described in para no.1 of the plaint, may also be passed in favour of the plaintiffs and against the defendant no.9

Any other relief which this Hon'ble court deems fit and proper may also be passed in favour of the plaintiffs and against the defendants.

Verification:-

Plaintiffs

Verified that the contents of para no.1 to 13 of the plaint are true and correct to the best of my knowledge and rest para no. 14 to 16 being legal are correct to my belief and information and the last para is the prayer clause to this Hon'ble Court.

Place: Gurugram
Date 10.10.2019

Through counsel:

P.S.Kataria, Advocate, Gurugram

1.Devender Kumar, 2. Babu Lal , 3. Satish Kumar, sons, 4. Smt. Balesh, 5. Smt. Savita, daughters, 6. Smt. Mam Chandi widow of Hari Ram S/o Kamal Singh, 7. Satbir Singh, 8. Subhash, 9. Bijender Singh, 10.Smt. Billo Devi, widow of Bed Ram son of Kamal Singh, all residents of village Mohammedpur Jharsa, Tehsil and District Gurugram (HR)

IN THE COURT OF CIVIL JUDGE, SENIOR DIVISION
GURUGRAM

Devender Kumar & Ors Versus Rajender & Ors

Suit for declaration with consequential relief of
permanent injunction

Application under Order 39 Rule 1 & 2 Read with
Section 151 CPC.

Sir,

The applicants/plaintiffs most respectfully
submits as under:-

1. That the plaintiffs have filed the above titled suit before this Hon'ble court and the contents of the plaint may kindly be read as part and parcel of this affidavit which are not being repeated here for the sake of brevity and to avoid repetition.
2. That the plaintiffs are rightful owners and are in physical and lawful possession of the suit land since the time of their father and husband.
3. That the defendants no.9 on the basis of the Sale Deed bearing vasika no. 2057 dated 19.12.2012 has started claiming itself to be owner of the suit land to which the defendant no.9 has no right, title or interest to do so.

The defendant no. 9 has also threatened the plaintiffs to dispossess them from the suit land and also threatened to alienate the suit land to someone else. In case, the defendant no.9 succeed in its ulterior motive then in that case, it will cast a cloud on the right, title and interest of the plaintiffs and the plaintiff would suffer irreparable loss and injury which cannot be compensated in terms of money.

4. The plaintiffs have good prima facie case in their favour and balance of convenience also lies in their favour.

It is therefore, prayed that an ad-interim injunction order restraining the defendant no. 9 from interfering in the peaceful possession of the plaintiffs and also restraining the defendant no.9 not to alienate or creating lien/ charge or encumbrance over the suit land detailed and described in para no.1 of the plaint, may also be passed in favour of the plaintiffs and against the defendant no.9 till the decision of the suit.

Applicants/ plaintiffs

Dated: 11.10.2019

(Devender Kumar & Ors)

Through Counsel:

P.S. Kataria, Advocate, Gurugram

Devender Kumar & Ors. Vs. Rajender & Ors. CS: 3864

Present : Sh. P.S. Kataria, Advocate, for plaintiff.
Sh. Mehtab Verma, Advocate for defendant No. 2.
Sh. S.K. Kaushik, Advocate for defendant Nos. 3 & 4 to 7.
Sh. Pritam Chauhan, advocate for defendant no. 8.

Today the case was fixed for filing reply to application for impleading LRs of defendant No. 1. From perusal of case file it shows that plaintiff had file the LR application of defendant no. 1 on 25.02.2020. Reply of the same not filed by the defendant till date. In these circumstances above-mentioned application is hereby allowed. Now to come up on 03.02.2022 for filing amended title.

Date of Order 18.11.2021

Priyanka

(Anil Kumar)
CJ(JD)/GGM
UID No. HR-0524



Devender Kumar & Ors. Vs. Rajender & Ors. CS: 3864

Office to report.

CJ(JD),G.

Sir,

Prima facie court fee is correct.

Reader.
CJ(JD)/GGM

Present : Sh. P.S. Kataria, Advocate, for plaintiff.

Suit received by assignment. It be checked and registered. Along-
with the suit an application under Order 39 rules 1 & 2 CPC filed. Let notice of the
suit as well as stay application be issued to the defendants on filing of PF, RC etc for
29.11.2019.

Date of Order 19.11.2019

Stenographer Krishan

(Anterpreet Singh)
CJ(JD)/GGM
UID No. HR-0523

