

Surinder Kaur Vs. Ram Narula and Others

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Court : Delhi

Decided On : Oct-30-2013

Judge : S. Muralidhar

Appellant : Surinder Kaur

Respondent : Ram Narula and Others

Advocate for Def. : Mr. Pradeep Bakshi, Mr. Puneet Khurana, Mr. Aviral Tiwari

Advocate for Pet/Ap. : Mr. Neeraj Kishan Kaul, Ms. Richa Kapoor, Ms. Sangeeta Bharti

Judgement :

IN THE HIGH COURT OF DELHI AT NEW DELHI CS (OS) No.651 of 2009
Reserved on: October 9, 2013 Decision on: October 30, 2013 SURINDER KAUR
..... Plaintiff Through: Mr. Neeraj Kishan Kaul, Senior Advocate with Ms. Richa Kapoor and Ms. Sangeeta Bharti, Advocates. versus RAM NARULA & OTHERS
..... Defendants Through: Mr. Pradeep Bakshi with Mr. Puneet Khurana, Advocates for Defendant No.41. Mr. Aviral Tiwari, Advocate for Defendants 1, 2, 18 and 29. CORAM: JUSTICE S. MURALIDHAR

JUDGMENT

3010.2013 IA Nos. 4741 of 2009, 974 of 2010, 2020 of 2013 (under Order XXXIX Rules 1 and 2 CPC) & IA No.16878 of 2012 (under Order VII Rule 11 CPC) 1. The background to these applications is that the Plaintiff, Mrs. Surinder Kaur, filed the

aforementioned suit for declaration, partition of properties and rendition of accounts initially against 38 Defendants in relation to the properties of her mother Mrs. Jasbir Kaur.

2. It is stated in the plaint that Mr. Ajit Singh Narula, deceased father of the Plaintiff and Defendant Nos. 2 to 6 and grandfather of Defendants 7 to 17, was a Hindu who was residing both in Delhi and in Bangkok where he carried on business. He had a vast estate comprising immovable and moveable properties. It is stated that he made a Will bequeathing half of his estate to his son, Mr. Jai Singh Narula, Defendant No.2 and the other half to his wife, Mrs. Jasbir Kaur. The Plaintiff claims that this was with the clear understanding that Mrs. Jasbir Kaur would make a bequest in favour of her six daughters.

3. Mr. Ajit Singh died in the year 1975. On the basis of the above Will, Mr. Jai Singh, Defendant No.2 got the properties located in Bangkok and Mrs. Jasbir Kaur got the immovable properties at Delhi, besides some agricultural land in Amritsar, and in District Sirsa in Haryana. It is stated that the immovable properties in Delhi were in the joint ownership of Mrs. Jasbir Kaur and the co-sharers Defendant No.2 and Defendant Nos. 30, 31, 33 and 34, who were sons of Mr. Mohar Singh, brother of Mr. Ajit Singh.

4. It is stated that Mrs. Jasbir Kaur made a Will on 3rd November 1989 bequeathing inter alia the following immovable properties to her six daughters and her son:

(a) My one-half share in 15A/2, 3 and 4, W.E.A. Karol Bagh, New Delhi to my aforesaid son and daughters in equal proportion, i.e., one-seventh share each. (b) My one-fourth share in 10197, Ajmal Khan Road, Karol Bagh, New Delhi, to my aforesaid six daughters in equal proportion, i.e., one-sixth share each. (c) My one-fourth share in 12A/1, W.E.A., Karol Bagh, New Delhi, to my aforesaid six daughters in equal proportion, i.e., one-sixth share each. (d) My agricultural land in village Amritsar, District Sirsa (Haryana) to my said six daughters in equal proportion, i.e., one-sixth share each.

5. It is stated that Mrs. Jasbir Kaur died on 27th February 1997 after a prolonged illness in Bangkok. It is further stated that Defendant No.2 kept assuring the Plaintiff and the other sisters that the immoveable properties in Delhi were held jointly with the sons of Mr. Mohar Singh and that he would ensure that they were disposed of and the sisters get their dues. However, the matters got delayed. The Plaintiff and her sisters learnt that unknown to them the entries in the records of the Municipal Corporation of Delhi (MCD) and the Delhi Development Authority (DDA) with regard to the immoveable properties were changed by substituting the name of Defendant No.1, Mr. Ram Narula in place of Mrs. Jasbir Kaur.

6. From the written statement and documents filed by the contesting Defendants it is seen that Mrs. Jasbir Kaur executed a Will dated 14th January 1996 bequeathing her 50% share of the property at 15A/2, 3 and 4, W.E.A. Karol Bagh, New Delhi in favour of Mr. Ram Narula, Defendant No.1, son of Defendant No.2. It was mutated in favour of Defendant No.1 on 11th June 1998.

7. According to the Plaintiff, when the complaints were made, the Assistant Collector (Nazul), DDA by its letter dated 3rd August 2001 cancelled the aforementioned mutation and by its letter dated 16th August 2001 communicated to the Plaintiff and her sisters requesting them to either submit fresh documents to the undersigned with proper evidence in favour of your claim for mutation by 20th of September 2001, or in the alternative you seek recourse from the competent court of law for seeking probate of the Will.

8. The Plaintiff states in para 12 of the plaint that the Plaintiff along with her sisters, Mrs. Sukhvinder Pal Kaur and Mrs. Simrit Kaur, filed Probate Petition No.206 of 2001 in the Court of the District Judge, Delhi. In the said petition, Mr. Jai Singh Narula (Defendant No.2 herein), Mrs. Rajinder Pal Kaur (Defendant No.5), Mrs. Harsharon Kaur (Defendant No.6) and Mrs. Arvinder Kaur, mother of Defendant Nos. 7 to 17 were parties.

9. The Plaintiff further states in para 13 that while Mr. Ram Narula, Defendant No.1 did not appear in those proceedings Mr. Jai Singh, Defendant No.2 filed a reply on 17th March 2003 propounding the Will dated 14th January 1996. He, however, did not produce a copy thereof. In para 14 of the plaint it is stated that

while the probate petition was pending, the Plaintiff and her sisters, who are residents of Bangkok, made a search in the records of the statutory authorities and discovered that as many as 23 transactions of sale executed by Defendant No.1 acting through attorneys had taken place. BY a sale deed dated 21st June 2001 he had sold 1/4th share in the joint property No.12A/1, W.E.A. Karol Bagh, New Delhi to Defendant No.29, V.R.D. Constructions Private Limited. According to the Plaintiff, many of these sale deeds concerned shares in 15A/3 and 15A/4, W.E.A., Karol Bagh, New Delhi and some pertained to the shares in 12A/1, W.E.A., Karol Bagh, New Delhi.

10. In para 15 of the plaint it is stated that the aforesaid transfers and transactions are void and non-est and do not affect the right and title of the Plaintiff and Defendant Nos. 3 to 17 who alone are the effective beneficiaries under the Will dated 30th November 1989. The Plaintiff claims that Defendant No.2 disclaimed succession, both testamentary and non-testamentary, and was, therefore, estopped from making further claims. It is, on this basis, asserted in the plaint filed on 26th February 2009, that the Plaintiff and Defendant Nos. 3 to 17 are entitled to seek a declaration that they alone are joint owners in possession of the suit properties and consequently seek partition thereof by metes and bounds.

11. The explanation offered by the Plaintiff for limitation is that the Plaintiff and Defendants 3 to 17 are entitled to extension of time under Section 17 of the Limitation Act, 1963 (LA) as a fraud had been perpetrated, it was discovered only in the year 2001 and could not be discovered earlier with due diligence. The cause of action paragraph, i.e., para 21 of the plaint, reads as under:

21. That the cause of action arose on the demise of Smt. Jasbir Kaur and on discovery of fraud perpetrated by Defendant Nos. 1 and 2 by-self or in conspiracy with Defendant Nos. 30, 31, 33 and 34 and their transferees impleaded as Defendants herein. Cause of action also arose when belated mention of Will of the year 1996 by Smt. Jasbir Kaur in favour of Defendant No.1 was made by Jai Singh, Defendant No.2 in the proceedings of grant of probate without filing the said Will or copy thereof and by Defendant Nos. 1 and 2 and others who made transfers but concealed the facts.

12. The prayers in the suit are for (i) a decree for declaration that the Plaintiff and Defendants 3 to 6 and Defendants 7 to 17 (Collectively) are joint owners in possession in equal shares of the properties owned and enjoyed by Mrs. Jasbir Kaur to the exclusion of all Defendants including Defendant No.2; (ii) a preliminary decree for partition be issued in respect of the entire estate of Mrs. Jasbir Kaur to the exclusion of Defendant No.2 in favour of Plaintiff, Defendants 3 to 6 and Defendants 7 to 17 and against Defendants 1 and 2; (iii) a preliminary decree for rendition of accounts and injunction against the Defendants excepting Defendants 3 to 6 and Defendants 7 to 17 or alternative status quo in relation to the suit properties.

13. In the plaint, none of the Defendants have been individually described. The plaint was permitted to be amended as a result of which Defendants 39 and 40 were added. As far as the averments in the plaint are concerned, para 19A was added to bring on record the particulars of eight other transactions of sales that had taken place on 31st March 2009 in relation to the property at 15-A, W.E.A. Karol Bagh, New Delhi. The added averment in para 19 B was to the effect that the sales mentioned in paras 14 to 17 are void and invalid. Significantly, neither in the plaint as originally filed nor in the amended plaint was there any prayer seeking a declaration as regards the invalidity of the sale deeds or for their cancellation on that basis.

14. On 13th April 2009, summons in the suit and notice in the application, IA No.4741 of 2009 under Order XXXIX Rules 1 & 2 of the Code of Civil Procedure, 1908 (CPC) was directed to be issued. Thereafter several applications for impleadment of the parties were filed. The matter was kept adjourned for completion of pleadings. IA No.974 of 2010 was filed by the Plaintiff for restraining Defendant Nos. 1, 2, 18 to 27 and 29 to 40 from transferring, encumbering, creating third party interest and parting with possession of the suit properties.

15. By an order dated 5th July 2011, M/s. BMRC Construction Private Limited (BMRC) was impleaded as Defendant No.41 and it was restrained from selling, alienating, 1/2 share of the possession of the property at No.15-A/4, W.E.A., Karol Bagh, New Delhi. Thereafter, Defendant No.41 filed IA No.16636 of 2012 under

Order XXXIX Rule 4 CPC seeking vacation of the interim order dated 5th July 2011. It also filed IA No.16878 of 2012 under Order VII Rule 11 CPC on 10th September 2012 seeking rejection of the plaint. Notices were issued in both applications on 11th and 12th September 2012 respectively.

16. IA No.2018 of 2013 was filed by the Plaintiff under Order XXXIX Rule 2A CPC alleging that BMRC had violated the interim order dated 5th July 2011 by executing two sale deeds in respect of the property in question. The Court on 20th February 2013 found prima facie that BMRC had sold the property in question and directed notice to issue to the purchasers of the property in question as mentioned in the two sale deeds. Aggrieved by the aforementioned order, BMRC filed FAO (OS) No.133 of 2013 in which an order was passed by the Division Bench (DB) on 5th March 2013 holding that the appeal is not maintainable but observing that there was only a tentative view formed by the learned Single Judge. Subsequently, by an order dated 1st October 2013, the Court dismissed IA No.2018 of 2013 holding that there was nothing to show that BMRC was aware of the interim order dated 5th July 2011 at the time it sold the two portions in the suit property to the purchasers on 11th and 13th January 2012.

17. In IA No.16878 of 2012, filed by BMRC under Order VII Rule 11 CPC, it is stated that despite acknowledging that various portions of the suit properties had been sold by registered sale deeds, the details of which have been set out in the plaint itself, the Plaintiff had not sought any declaration regarding the invalidity of the sale deeds or sought their cancellation. The suit was merely for a declaration of title of the Plaintiff, Defendants 3 to 6 and 7 to 17 (collectively) and for partition and would, therefore, be barred by Sections 31 and 34 of the Specific Relief Act, 1963 (SRA). Secondly, it is stated that the suit would be barred under Order II Rule 2 CPC as the Plaintiff would be estopped from now seeking the relief of cancellation of the sale deeds. Thirdly, it is stated that in terms of Articles 56 and 58 of Part III of Schedule to LA, a suit for declaration must be filed within three years from the date of knowledge of the sale deeds or from the date the right to sue first occurred. It is pointed out that the Plaintiffs own showing, the Plaintiffs right to seek declaration arose upon the death of her mother on 27th February 2007 and/or at least within three years from the date of knowledge of the

registered sale deeds executed by Defendant No.1 in 2001. The suit was however filed in 2009, i.e., after more than eight years from the knowledge of execution of the sale deeds. Fourthly, it is submitted that the suit is grossly undervalued and insufficiently stamped. It is prayed that the plaint be rejected for the above reasons.

18. Mr. Pradeep Bakshi, learned counsel appearing for BMRC referred to Section 31 (1) of the SRA and submitted that despite the Plaintiff disclosing in the plaint that she was aware of the mutation effected by the DDA, she had not sought cancellation of such mutation or cancellation of the sale deeds. Referring to the relevant provisions of the LA, Mr. Bakshi pointed out that a declaration would have to be sought within three years from the date of such knowledge and the suit was therefore barred by limitation. Relying on the decision in *N.V. Srinivasa Murthy v. Mariyamma (Dead) by Proposed LRs* (2005) 5 SCC548 he pointed that failure to seek such declaration would render the suit *prima facie* barred by law and also under Order II Rule 2 CPC since no such relief had been claimed till date. Mr. Aviral Tiwari, learned counsel for Defendants 1, 2, 18 and 29 respectively supported the submissions of Mr. Bakshi.

19. Appearing on behalf of the Plaintiff, Mr. Neeraj Kishan Kaul, learned Senior counsel, submitted that the party seeks to sell what is not his property is committing a fraud. Such fraudulent transactions would be void even if no prayer in that behalf was made. He submitted that as long as averments made in the body of the plaint asserted that the sale deeds were void and non-est, there was no need to claim a separate relief of declaration or cancellation of such sale deeds. Mr. Kaul referred to the decisions in *Ram Das v. Sitabai* AIR 2009 SC2735 *M. Mohaned Kassim v. C. Rajaram* (1988) 1 MLJ447 *State of Maharashtra v. Pravin Jethalal Kamdar* AIR 2000 SC1099 *The Rajasthan State Industrial Development and Investment Corporation v. Subhash Sindhi Cooperative Housing Society, Jaipur* (2013) 5 SCC427 and *Gulab Singh v. Hari Singh* 177 (2011) DLT21. Mr. Kaul further submitted that under Section 4 of the Partition Act, 1893 the first right to purchase the suit properties was that of the plaintiff. He submitted that under Section 44 of the Transfer of Property Act, 1882 the subsequent purchaser cannot seek title and possession of a property jointly held by the heirs. He further

pointed out that some portions of the suit property were not sold and therefore, in any event the Plaintiff could seek partition thereof by metes and bounds.

20. A perusal of the plaint as amended shows that the Plaintiff was aware of the fact that the Defendants had got DDA to mutate the properties in favour of Defendant No.1 in 2001 itself. The last para of the said letter dated 16th August 2001, which has been extracted in para 10 of the plaint, did not cancel the mutation as such but required the Plaintiff and her sisters to either submit fresh documents with proper evidence in favour of the claim for mutation by 20th September 2001 or get the Will dated 3rd November 1989 probated. This was what led to the filing of the probate petition on 28th September 2001 by the Plaintiff and her sisters in the court of the District Judge. Clearly, the fact that the property had been mutated in favour of Defendant No.1 by the DDA was in the knowledge of the Plaintiff from 16th August 2001 itself.

21. There is indeed no declaration sought by the Plaintiff regarding the invalidity of the above mutation in favour of Defendant No.1. This formed the basis of the subsequent sale transactions entered into by Defendant Nos. 1 and 2 by way of a registered sale deed. Secondly, para 13 of the plaint shows that the Plaintiff was aware of the Will dated 14th January 1996 of Mrs. Jasbir Kaur at least since March 2003 when in his reply to the probate petition Defendant No.2 propounded it. The said Will formed the basis of the mutation by DDA of the properties in favour of Defendant No.1. No declaration regarding the invalidity of the said Will dated 14th January 1996 has been sought. Thirdly, both in para 14 and the subsequent newly added para 19A the Plaintiff has set out the full details of the registered sale deeds executed by Defendant No.1 in relation to the suit properties. These include sale deeds of 2001 and 2005-2006 and conveyance deeds of 2002. There are sale deeds of 2008-2009 as well. Yet even in the amended plaint there is no relief of declaration of their invalidity is sought. Once the Plaintiff was aware of the sale deeds there cannot be any justification for not seeking a declaration as to their invalidity particularly when the main relief is for declaration of title to those very properties that form the subject matter of the said sale deeds.

22. No doubt in para 15 it is stated that the above transactions are void and non-est but subsequently neither in the cause of action paragraph nor in the prayer clause is there any reference to the sale deeds. Interestingly, in para 20 it is stated that fraud was perpetrated and it was discovered in the year 2001 and yet there is no explanation why the suit was filed only on 26th February 2009. The plaint is silent as to when the Plaintiff became aware of the sale deeds, details of which have been set out in para 14 of the plaint. Had the Plaintiff sought any declaration in that regard it would have been necessary for the Plaintiff to explain when actually she became aware of the said sale deeds for the purpose of limitation in terms of Articles 56 and 58 of Part III to the LA.

23. In *N.V. Srinivasa Murthy* the Supreme Court was dealing with a case where the Plaintiffs were absolute owners of the suit lands and sought permanent injunction on that basis. In the body of the plaint it was asserted that the registered sale deed executed on 5th May 1953 in favour of the predecessors of the Defendants was in fact a loan transaction to secure the amount borrowed by the Plaintiffs predecessor. It was contended by the Defendants that the Plaintiffs could not seek the mere relief of declaration of their title without seeking a declaration that the registered sale deed was in fact a loan transaction and without seeking the consequential relief of specific performance of an alleged oral agreement of re-conveyance of the suit lands. The Supreme Court agreed with the Defendants. It found that the suit as framed was prima facie barred by limitation as well as the SRA and Order II Rule 2 CPC. The Supreme Court observed that the plaint has been very cleverly drafted with a view to get over the bar of limitation and payment of ad valorem court fee and that is liable to be rejected under Order VII Rule 11 CPC. It held that a suit merely for declaration that the Plaintiffs are absolute owners of the suit lands could not have been claimed without seeking declaration that the registered sale deed dated 5th May 1953 was a loan transaction and not a real sale.

24. In the present case, the failure to seek declaration as to the invalidity of the sale registered deeds and their cancellation, the failure to seek a declaration of the invalidity of the Will dated 14th January 1996 of Mrs. Jasbir Kaur which formed the basis of the mutation, the failure to seek a declaration of the mutation to be illegal

or for its cancellation are fatal to the suit. In the absence of such reliefs, the Plaintiff cannot possibly seek the relief of declaration of the shares of herself and Defendants 3 to 6 and 7 to 17 (collectively) to the suit properties.

25. The documents placed on record by the contesting Defendants (i.e. Defendants 1, 2 and BMRC) include copies of the registered sale deeds dated 27th June and 7th July 2001 executed by Defendant No.1 in favour of Virgin Exports & Imports Pvt. Ltd in respect of portions the properties at 15A/3 and 15-A/4 WEA Karol Bagh. These sale deeds trace the title of the vendor (Defendant No.1) to the Will dated 14th January 1996 of Mrs. Jasbir Kaur and the resultant mutation dated 11th June 1998 in his favour by the DDA. The plaint refers to the conveyance deeds dated 27th February 2002 in favour of Defendant No.1 executed by DDA converting the properties at 15A/4 and 15A/3, W.E.A, Karol Bagh from leasehold to freehold. Therefore, the mutation in favour of Defendant No.1 in respect of the said properties, which was communicated to him by letter dated 16th June 1998, a copy of which is placed on record, was not cancelled as alleged by the Plaintiff.

26. The decisions cited by learned Senior counsel for the Plaintiff turned on their own facts and do not support the case of the Plaintiff. In Ram Das v. Sitabai, the Plaintiff Sitabai had sought a decree of partition and delivery of possession of her share in the suit property and her brother was impleaded as Defendant No.1. Defendant No.1 sold his portion of the suit property to Defendant No.3, Ram Das, without the consent of the Plaintiff. Accordingly, the Plaintiff contended that the said sale was void and not binding on her. The defence of Ram Das was that the aforesaid land was in fact a self-acquired property of the Defendant No.1 (brother of Plaintiff). The trial court after going through the records held that the properties were the self acquired properties of the brother of the Plaintiff. It was held that the share of the Plaintiff could very well be adjusted from the remaining land and in case her share was not satisfied then it could be settled from the consideration received by her brother from Defendant No.3. In appeal, the Additional District Judge set aside the judgment of the trial court declaring the one-half share of the property in the four plots comprising the suit property and held that the sale deed executed by Defendant No.1 in favour of Defendant No.3 was not binding on the

Plaintiff. In the appeal before the Nagpur Bench of the Bombay High Court, a consent decree was passed to the extent that 1/2 share of the property sold to Ram Das (Defendant No.3) and 1/2 share of the Plaintiff was directed to be left intact. To that extent, the sale deed in favour of Ram Das was held to be null and void and he was asked to hand over the possession to the Plaintiff to the extent of 1/2 share thereof. In the above circumstances, it was held by the Supreme Court that as long as the property was joint and not partitioned, Ram Das was not entitled to get possession of the said land. It was held that without there being any physical formal partition of an undivided landed property, a co-sharer cannot put a vendee in possession although such a co-sharer may have a right to transfer his undivided share.

In the present case it is seen that Defendant No.1 traces his title to the suit properties through the Will dated 14th January 1996 and the consequent mutation in his favour by the DDA. Unless a declaration is sought as regards the invalidity of the said Will and the consequent mutation, the Plaintiff cannot seek a bare declaration of her share in the suit property. The facts in the present case are entirely different from the facts in *Ramdas v. Sitabai*.

27. In *State of Maharashtra v. Pravin Jethalal Kamdar (Dead) by Lrs the Plaintiff* sought a declaration that an order dated 26th May 1976 by which the right of pre-emption was exercised by the State of Maharashtra and Deputy Collector and Competent Authority Urban Land Ceiling, Nagpur to purchase the property and the sale deed dated 23rd August 1976 executed by the Plaintiff in pursuance of the said order was null and void. The Plaintiff had entered into an agreement to sell dated 31st March 1976 and obtained permission under Section 27 (1) of the Urban Land (Ceiling and Regulation) Act, 1976 (ULCRA). The permission to sell the property to the prospective purchase was rejected by the competent authority on 26th May 1976 and further by the same order, it exercised option to buy the property. Consequent to the above order, a sale deed dated 23rd August 1976 was executed between the Plaintiff and the State of Maharashtra. In *Maharao Sahib Shri Bhim Singhji v. Union of India* AIR 1981 SC234 Section 27 (1) of ULCRA was held to be invalid. Consequently, the Plaintiff claimed that the above order dated 26th May 1976 and the sale deed executed pursuant thereto was null

and void. The Plaintiff sought recovery of possession along with damages. While the trial court dismissed the suit, the High Court reversed the decision and passed a decree for possession in favour of the Plaintiff on his deposit of a sum of Rs. 2,60,000 which has been directed to be paid to Defendants. In the further appeal to the Supreme Court, it was contended that the suit ought to have been filed within three years from 26th May 1976 and the suit filed on 22nd August 1988, was hopelessly barred by time. This plea was rejected by the High Court on the ground that since the sale deed was null and void, the suit for possession would be governed by Article 65 of the LA. The Supreme Court agreed with the said view and held that by virtue of declaration of invalidity of Section 27 (1) of ULCRA, there was no need for the Plaintiff to have sought a declaration as to the validity of the order dated 26th May 1976. The facts in the present case are entirely different. As noticed earlier, there is no presumption that the sale deeds executed by Defendant No.1 are void since they were duly executed pursuant to the Will dated 14th January 1996 of Mrs. Jasbir Kaur and the resultant mutation dated 11th June 1998 in his favour by the DDA.

28. For the same reason, this Court does not find the decision in Rajasthan State Industrial Development and Investment Corporation v. Subhash Sindhi Cooperative Housing Society Jaipur to be relevant for the present case. The said decision was in the context of land which was subject matter of acquisition under Section 4 (i) of the Rajasthan Lands Acquisition Act, 1953. Likewise, the decision in M. Mohamed Kassim v. C. Rajaram also turned on its own facts. In that case, the Plaintiff did seek a declaration that the sale deeds were void. He failed to seek the further relief of cancellation of the sale deeds. In the present case there is no prayer even for a declaration of the sale deeds to be void. Lastly, the decision in Gulab Singh v. Hari Singh also appears to have turned on its own facts. There, the documents were prima facie found to be illegal, inchoate and lacking in legal efficacy. The document was a release deed not a registered sale deed.

29. For the aforesaid reasons, this Court finds that the suit is barred by the provisions of the SRA, Order II Rule 2 CPC as well as by limitation. Consequently, IA No.16878 of 2012 is allowed and in terms of Order VII Rule 11 (d) CPC the plaint is rejected. The suit is accordingly dismissed. The pending applications are

disposed of. The interim order dated 5th July 2011 is vacated. S. MURALIDHAR,
J.

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