



2026:DHC:5112



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

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Reserved on: 18th March, 2026
Pronounced on: 16th June, 2026

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RSA 17/2025

SMT. KHATIZA BEGAM

W/o Late Sh. Sheikh Mohd. Hakim

R/o H. No. F-206, Phase- II

J.J. Colony, Sector- 3,

Pappan Kalan

New Delhi-110075

.....Appellant

Through: Ms. Namita Roy and Ms. Gopa
Biswas, Advocates.

versus

MS. SALMA KHAN

D/o Sh. Mumtaz Khan

R/o B-192 & 193, Sector- 3

Phase- III, J.J. Colony,

Pappan Kalan, Dwarka,

New Delhi- 110075

.....Respondent

Through: Mr. Mohd Moonis Abbasi, Adv.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T

NEENA BANSAL KRISHNA, J.

1. The *present Regular Second Appeal* under Section 100 of the Code of Civil Procedure, 1908 (*hereinafter referred to as 'CPC'*) has been filed against the Judgment and Decree dated 14.10.2024 passed in RCA No.



1157/2024, whereby the learned ADJ **set aside the Judgment dated 30/04/2024** passed by the learned Civil Judge *dismissing the Suit for Possession, arrears of rent & injunction, and decreed the Suit of the Plaintiff.*

2. The Plaintiff had filed a *Civil Suit bearing CS No. 27266/2016 for Possession, arrears of rent, mesne profit & permanent Injunction* in respect of F-206, Phase- II, Sector- 3, Pappan Kalan, New Delhi- 110075 (*hereinafter referred to as the 'Suit Property'*).

3. The **facts as narrated in the Plaint**, are that the Plaintiff claimed to be the absolute owner and person in possession of property bearing no. F-206, Phase-II, Sector-3, Pappan Kalan, New Delhi- 110075 (*hereinafter referred to as the 'Suit Property'*). According to the plaintiff, the suit property had been purchased from Sh. Ram Lal S/o Sh. Chelaji, the original owner/allottee, by virtue of duly notarized *General Power of Attorney, Agreement to Sell, Affidavit, Receipt, Possession Letter and Will dated 19.06.2006*. Upon execution of the said documents and receipt of the sale consideration, the original allottee, Sh. Ram Lal handed over peaceful physical possession of the suit property to the plaintiff along with the original title documents and identification records, which was issued by the Slum and J. J. Department, Municipal Corporation of Delhi.

4. After acquiring the suit property, construction was raised thereon in July 2006, with financial assistance from her father, Sh. Mumtaz Khan.

5. The plaintiff alleged that in January 2009, the suit property was given to the defendant, on an oral tenancy agreement, at a monthly rent of Rs.1,500/-, on the assurance that the defendant would regularly pay rent and vacate the premises whenever required.



6. The dispute arose when the defendant allegedly stopped making payment of rent after June, 2010. In August 2010, the defendant expressed her inability to pay rent, on account of financial difficulties and sought time to clear the arrears. Despite repeated assurances by the defendant and extensions granted by the plaintiff, the outstanding rent was never paid.

7. When the plaintiff demanded payment of the arrears and sought possession of the suit property in May, 2011, the defendant refused to comply and continued to remain in occupation of the premises. Rather, the defendant threatened to create third-party interests in the suit property.

8. The defendant neither cleared the arrears of rent nor vacated the suit property, despite repeated requests of the plaintiff. Consequently, a legal notice dated 07.06.2013 was issued terminating the tenancy and asking the defendant to hand over vacant possession of the suit property and pay the outstanding rent. Despite the service of the notice, the defendant neither complied with the demands raised therein nor gave any reply.

9. The Plaintiff made a written complaint to the DCP, Sector- 19, Pappan Kalan, Dwarka, New Delhi regarding the defendant's illegal tenancy in the suit property. Thereafter, the plaintiff instituted eviction proceedings *under Section 14(1)(a) and Section 14(1)(e) of the Delhi Rent Control Act, which were subsequently withdrawn with liberty to avail appropriate remedies in accordance with law.*

10. The plaintiff, thus filed the Suit *seeking recovery of possession of the suit property, arrears of rent amounting to Rs.52,500/- for the period from July 2010 to May 2013, and mesne profits/damages for use and occupation of the suit property from June 2013 till delivery of possession.*



11. The Defendant, in her **Written Statement**, took a *preliminary objection* that the present Suit was not maintainable either in law or on facts, and thus, *was liable to be rejected under Order VII Rule 11 of the CPC*. It was contended that the *Suit was barred by limitation* and had not been *properly valued for the purpose of court fees and jurisdiction*. The suit ought to have been valued on the basis of the prevailing market value or circle rate of the suit property.

12. The Defendant further asserted that the Suit property formed part of a J.J. Colony and was governed by the provisions of the Slum Areas (Improvement and Clearance) Act, 1956. The suit was barred under section 19 of the said Act and therefore, could not be maintained without compliance with the statutory requirements.

13. *On merits*, the Defendant denied the plaintiff's claim of ownership over the Suit Property and disputed the authenticity and legal validity of the documents relied upon by the plaintiff. It was asserted that the alleged General Power of Attorney, Agreement to Sell, Receipt, Possession Letter, Will and other documents, were fabricated and incapable of conferring any right, title or interest upon the plaintiff.

14. The Defendant categorically denied the existence of any landlord-tenant relationship between the parties and contended that she had never been inducted into the Suit Property as a tenant, nor had any rent ever been paid to the plaintiff. The allegations regarding creation of an oral tenancy in January 2009, payment of rent till June 2010, subsequent defaults in payment, requests for extension of time and assurances to clear arrears were all denied as false and fabricated.



15. The Defendant asserted that possession of the Suit Property had, in fact, been handed over by the original allottee, Sh. Ram Lal, to her husband, late Sh. Sheikh Hakim, in March, 2006 upon payment of a consideration amount of Rs.65,000/-. Her husband thereafter, raised construction over the suit property with the assistance of his sons, and the family had been residing therein continuously since 2006-2007. In support of her possession, reliance was placed on the school records of her son, reflecting the address of the Suit Property.

16. It was further pleaded that after the demise of her husband in the year 2012, the plaintiff and her father sought to dispossess her from the suit property and, with that objective, the Suit was instituted. The defendant also denied receipt of the Legal Notice dated 07.06.2013 and contended that the same was neither served upon nor it was legally valid. All the averments made in the Plaint were denied and it was claimed that *the Suit was liable to be dismissed*.

17. ***No Replication was filed on behalf of the Plaintiff.***

18. Upon consideration of the pleadings of the parties, the ***Issues were framed on 19.11.2016, as under:***

- i. *Whether the present suit is barred by section 19 of the Slum Area (Improvement and Clearance Act, 1956)? OPD.*
- ii. *Whether the ownership of the suit property was transferred by the original allottee Ram Lal to the plaintiff or to the husband of the defendant? ONUS ON THE PARTIES.*
- iii. *Whether the defendant was inducted as a tenant in the suit property by the plaintiff in January 2009, if so whether the tenancy has been terminated? OPP.*
- iv. *Whether the defendant is liable to pay arrears of rent to the plaintiff, if so, at what rate and for what term? OPP.*
- v. *Whether the defendant is liable to pay damages to the plaintiff, if so, at what rate and for what term? OPP.*
- vi. *Relief.*



19. In support of her case, the Plaintiff examined herself as **PW-1** and tendered in evidence her affidavit on the same lines of her plaint and the same is Ex. PW1/A. In her testimony, she placed on record and relied upon her Voter Identity Card exhibited as Ex. PW1/1, the Site Plan of the Suit Property as Ex. PW1/2, the General Power of Attorney, Agreement to Sell, Affidavit, Receipt, Possession Letter and Will, all dated 19.06.2006 as Ex. PW1/3 to Ex. PW1/8, which constituted the foundation of her claim to the Suit Property. She also relied upon the receipt dated 07.11.1996 issued from MCD as Ex. PW1/9, documents pertaining to the original allottee, Sh. Ram Lal, including the Provisional Identification Slip as Ex. PW1/10, receipt dated 02.07.1996 of Rs. 135 & Rs. 48 as Ex. PW1/11 and Ex. PW1/12, respectively. In addition, thereto, PW-1 placed on record the complaint dated 01.05.2014 addressed to the DCP, Dwarka as Ex. PW1/16 and the transfer application under the Right to Information Act, 2005 as Ex. PW1/18. The legal notice dated 07.06.2013 and the postal records relating thereto were also brought on record as Mark A and Mark B (Colly.), respectively.

20. **PW-2, Sh. Mumtaz Khan**, her father *tendered his affidavit in evidence as Ex. PW2/A*. He supported the case set up in the plaint and relied upon the electricity assessment bill dated 07.02.2019 exhibited as Ex. PW2/1, his Aadhaar Card as Ex. PW2/2 and PAN Card as Ex. PW2/3. PW-2 deposed that the Suit Property had been purchased from the original allottee for a consideration of Rs.60,000/-, which was paid by him on behalf of the Plaintiff. He also stated that construction was raised over the Suit Property after its purchase and that the Defendant had been inducted as a tenant at a monthly rent of Rs.1,500/-.



21. ***PW-3, Shri Deepak Yadav, Assistant Manager, BSES***, produced the official records pertaining to an inspection conducted at the Suit Property on 06.02.2019. He proved the Summary Sheet exhibited as Ex. PW3/A, Inspection Report as Ex. PW3/B, Assessment of Connected Load Form as Ex. PW3/C and Seizure Memo as Ex. PW3/D. PW-3 deposed that during the inspection, direct theft of electricity was detected at the premises.

22. The Defendant examined herself as ***DW-1*** and tendered his affidavit by way of affidavit Ex. DW1/A, on the same lines of Written Statement. She proved the School Identity Card of her son, Sheikh Ataul exhibited as Ex. DW1/1, a police complaint dated 07.05.2014 as Ex. DW1/2 and the School Leaving Certificate of Sheikh Ataul as Mark A.

23. ***DW-2, Shri Prem Lal, Estate Manager, Government Co-Ed Senior Secondary School, Dwarka***, who produced and proved the relevant admission and withdrawal records pertaining to Sheikh Ataul, as Ex. DW2/1. He also produced the attested copies of the School Leaving Certificate and School Identity Card of Sheikh Ataul, Ex. DW2/2 and Ex. DW2/3, respectively.

24. The ***learned Civil Judge*** upon appreciation of pleadings and evidence on record, **held** that *that the Plaintiff had failed to establish the existence of a landlord-tenant relationship between the parties and, consequently, failed to prove her entitlement to recovery of possession of the Suit Property. Since the claims for arrears of rent and mesne profits were also predicated upon the existence of such relationship, the same were held to be unsustainable.*

25. ***The Suit of the Plaintiff for possession, arrears of rent and mesne profits were consequently dismissed, vide Judgment dated 30.04.2024.***



26. Aggrieved by the dismissal of the Suit vide the Judgment and Decree dated **30.04.2024**, the Plaintiff preferred a **Regular Civil Appeal bearing RCA DJ No. 1157/2024**. Upon re-appreciation of pleadings, evidence on record led by both the parties, the Ld. District Judge held that '*Better title*' was flowing from the documents executed by the original allottee, Sh. Ram Lal, in favour of the Plaintiff, namely the General Power of Attorney, Agreement to Sell, Affidavit, Receipt, Possession Letter and Will, all dated 19.06.2006. Particular emphasis was placed upon the Possession Letter as Ex. PW1/7, whereby Sh. Ram Lal had expressly delivered vacant possession of the suit property along with the leasehold rights attached thereto. The Court found that these documents, though not constituting a conveyance of absolute ownership, were sufficient to demonstrate a better title in favour of the Plaintiff. ***It was concluded that the Plaintiff had successfully established a better right to possession than the Defendant.***

27. The Appellate Court further observed that the Defendant had neither claimed ownership of the suit property nor produced any documentary evidence showing a lawful transfer of rights from the original allottee, Sh. Ram Lal. While the Defendant asserted that her husband had obtained possession from the original allottee in the year 2006, no receipt, agreement, allotment document or any other cogent evidence was produced in support of such plea. Consequently, the Court held that the Defendant had failed to establish any legal basis for retaining possession of the suit property.

28. Accordingly, ***the Judgment and Decree dated 30.04.2024 were set aside and a decree for possession was passed in favour of the Plaintiff. The learned District Judge further awarded a lump sum amount of 5,000/- as compensation towards the mesne profit and damage, along with interest***



at the rate of 6% per annum on the decretal amount from the date of decree until its realization.

29. Aggrieved thereby, the *present Regular Second Appeal* has been preferred by the Appellant/Defendant.

30. The *grounds of challenge* are that the learned First Appellate Court gravely erred in law and on facts, in reversing the well-reasoned Judgment passed by the Learned Trial Court. It is contended that the First Appellate Court failed to appreciate that the Plaintiff had instituted the suit primarily on the basis of an *alleged landlord-tenant relationship*, which admittedly remained unproved. Despite the absence of any evidence establishing tenancy, payment of rent, or creation of a landlord-tenant relationship, the learned First Appellate Court proceeded to grant a decree for possession by *introducing the concept of "better title"*, which was neither the foundation of the suit nor supported by legally admissible evidence.

31. It is further contended that the learned First Appellate Court overlooked that the suit property forms part of a J.J. Colony and is governed by the provisions of the Slum Areas (Improvement and Clearance) Act, 1956. According to the Appellant, the suit was barred under Section 19 of the said Act and, therefore, could not have been decreed in the absence of the requisite statutory permission.

32. It was also contended that the First Appellate Court failed to appreciate that the original allottee, Sh. Ram Lal, was examined to prove the execution or authenticity of the documents relied upon by the Plaintiff. In the absence of proof of execution of the documents, the finding that the Plaintiff had established a better title, is alleged to be wholly sustainable.



33. It is contended that the first Appellate Court failed to understand that the plaintiff was unable to prove that she was minor at the time of signing the documents, and it is evident from the voter registration card exhibited as PW 1/1.

34. The Appellant also assailed the findings of the First Appellate Court on the ground that the Plaintiff's claim was founded entirely upon unregistered documents, namely GPA, Agreement to Sell, Affidavit, Possession Letter and Will, which do not confer ownership or title in immovable property. Reliance has been placed upon the decision of the Apex Court in Shakeel Ahmed v. Syed Akhlaq Hussain 2023 INSC 1016, wherein it was held that no right, title or interest in immovable property can be transferred except through a duly registered instrument.

35. It is contended that the learned First Appellate Court ignored the settled position of law, while treating such documents as sufficient to establish a better title.

36. Moreover, the impugned Judgments dated 14.10.2024 has been passed on the basis of conjectures and surmises, without applying the judicial mind.

37. Henceforth, the substantial question of law, which arise for consideration, are proposed as under:

“a. Whether the Ld. First Appellate Court committed a grave error in law in relying on the unregistered unproven documents like “Agreement to Sell, General Power of Attorney and Will” and thereby wrongly allowed the said Appeal of the respondent/plaintiff and decreed the suit in setting aside the dismissal of the suit prejudicial to the interest of the appellant herein although the said



unregistered and unproven Documents do not confer or create any right, title or interest in any property to seek relief of possession?

b. Whether the Ld. First Appellate Court has misconstrued and misinterpreted the relevant laws and thereby committed a grave error in law in not applying the provisions of law as envisaged/postulated in the Registration Act, 1908 while deciding the first appeal and thereby wrongly discarded the provisions of law as given in the Registration Act which clearly provides that a Document which requires compulsory registration under the provisions of the Act unless registered would not confer any right, much less a legally enforceable right to approach a Court of Law on its basis particularly when such alleged Documents do not possess any evidentiary value and confer no legally enforceable right?

c. Whether the Ld. First Appellate Court committed a grave error in law in misinterpreting the very conception of the Better Title relating to the present lis in hand particularly when such concept of better title cannot be used in a suit for recovery of possession in as much as possession itself is termed as “better title”, the respondent/plaintiff is devoid of any title? Furthermore, the appellant/defendant is in possession and holds a better title. Moreover, the submission of better title cannot be delved into in the present suit as the present suit is just based on the landlord-tenant relationship which the respondent/plaintiff has failed to prove and the suit was not a suit for declaration of ownership or title and whether the Ld. First Appellate Court has approached the case from an altogether wrong point of view and thereby erred both on facts and in law in allowing the appeal of the respondent/plaintiff and reversed the Judgment and Order or dismissal of the Ld. Trial Court?



d. Whether the reversal of the Trial Court's Judgment and Decree of dismissal of the suit as reversed by the Ld. First Appellate Court in Appeal on the basis of misinterpretation of unregistered and unproven documents which are not legally valid at all but suffers from illegality and miscarriage of justice prejudicial the interest of the appellant herein?

38. It is therefore, submitted that the *impugned Judgment dated 14.10.2024, be set aside.*

39. **Written submission has also been filed on behalf of the Appellant** in support of and to substantiate the grounds raised in the present Appeal. The submissions contained therein reiterate the averments and contentions urged in the present Appeal.

40. **Written submission has also been filed by the Respondent,** setting out the chronology of events that have transpired in the present proceedings. It is contended that the Appellant, under the guise of raising substantial questions of law, seeks a re-appreciation of the evidence and factual findings recorded by the courts below.

41. Reliance has been placed on *Ishwar Dass Jain v. Sohan Lal*, (2000) 1 SCC 434, wherein the Apex Court categorically stated that without the formulation of a substantial question of law, a second appeal cannot be entertained. Similarly, in *Roop Singh v. Ram Singh* (2000) 3 SCC 708, the Apex Court reiterated that the jurisdiction of the High Court is confined to cases involving substantial questions of law.

42. Same was held on the same line in *Biswanath Ghosh v. Gobinda Ghose* (2014) 11 SCC 605, when no substantial question of law is formulated, but a second Appeal is decided by the High Court, the judgment of the High Court is vitiated in law.



43. It is contended by the Respondent that the Second Appeal has been filed without stating any substantial question of law. This is in contravention to the law laid down in Kondiba Dagadu Kadam v. Savitribai Sapan Gujar (!999) 3 SCC 722, wherein the Apex Court held:

“After the amendment a second appeal can be filed only if a substantial question of law is involved in the case, The memorandum of appeal must precisely state the substantial question of law involved and the High Court is obliged to satisfy itself regarding the existence of such a question. If satisfied, the High Court has to formulate the substantial question of law involved in the case. The appeal is required to be heard on the question so formulated. However, the respondent at the time of the hearing of the appeal has a right to argue that case in the court did not involve any substantial question of law.”

Submissions heard and record perused.

44. The Plaintiff/Respondent had sought possession of the suit property and also Arrears of Rent, against the Defendant/Appellant.

45. At the outset it may be observed that the learned Civil Judge had noted that a plea had been taken by the Appellant that the Suit property was barred under Section 19 of the Slum Area (Improvement and Clearance) Act, 1956. The Respondent had obtained a response under RTI dated 19.11.2015 issued on behalf of the Surveyor, Delhi Urban Shelter Improvement Board in ID.No.318/DD (Survey)/PIO/2015 wherein it was stated that the Suit property did not fall within the Slum Notified Area under Section 3 of the said Act. The learned Civil Judge, therefore, noted that the



Suit was not barred under Section 19 of the Act and hence, the Suit was maintainable before the Civil Court.

46. The case of the Plaintiff/Respondent was that she had rented out the property to the Appellant in January, 2009 having purchased the property on 19.06.2006 from the erstwhile owner Sh. Ram Lal. In support thereof, she had proved the Cash Receipt No.66496 dated 07.11.1996 issued by MCD, as PW1/9. The provisional Identification Slip bearing No.1389 is Ex.PW1/10. The copy of the Receipt dated 02.07.1996 is Ex.PW1/11 and the I.D Card of the original Allottee bearing No.079671 is Ex.PW1/13. These documents had been issued in the name of Ram Lal, thereby establishing that he was allotted the Suit land.

47. Thereafter, the property was purchased by the Plaintiff through GPA, Agreement to Sell, Affidavit, Receipt, Possession Letter and Will Ex.PW1/2 to Ex.PW1/8 respectively all dated 19.06.2006. The Plaintiff as PW1 had deposed that by virtue of these documents, she acquired the ownership and also got the possession of the property on 19.06.2006. At that time it was a vacant plot of land with a small boundary wall on which the construction was raised. The Plaintiff clarified that the funds for the purchase as well as for construction were taken from PW2 Sh. Mumtaz Khan, her father, who corroborated the testimony of the Plaintiff.

48. Much had been contended about the Plaintiff being about 16-17 years at the time of the alleged transaction in 2006. However, it has been clarified by PW2 Sh. Mumtaz Khan, that the Plaintiff was about 20 years old and that the entire money had been funded by him because she was a young girl living with him. The Plaintiff has been able to prove having acquired the



proprietary rights in Suit property by virtue of the documents Ex.PW1/2 to Ex.PW1/8 in the Suit property in June, 2006.

49. The Appellate Court relied on Anathula Sudhakar v. P. Buchi Reddy (Dead) by LRs. & Ors., (2008) 4 SCC 594, wherein Supreme Court observed that where a plaintiff demonstrates a superior entitlement to possession and the defendant is unable to establish any competing title, the Court is required to examine the relative strength of the parties claims rather than insist upon proof of absolute ownership. A person has a right to protect his possession against any person who does not have a better title by seeking a prohibitory Injunction, but a person in wrongful Possession is not entitled to an Injunction against the rightful owner.

50. The Ld. District Judge rightly invoked the settled principle embodied in the maxim "*Possessio contra omnes valet praeter eum cui ius sit possessionis*", i.e. possession is good against the whole world except the person having a better right. Applying the said principle, the Court held that the Plaintiff had successfully established a better possessory title flowing from the original allottee, whereas the Defendant had failed to demonstrate any lawful entitlement to remain in occupation of the property.

51. While dealing with the issue of burden of proof, the Appellate Court referred to the judgment of the Hon'ble Supreme Court in Anil Rishi v. Gurbaksh Singh, (2006) 5 SCC 558, and observed that although the initial burden rested upon the Plaintiff, the same stood duly discharged through the documentary evidence placed on record. Thereafter, the onus shifted upon the Defendant to substantiate her defence, which she failed to do.

52. The Appellate Court further disagreed with the Trial Court's finding on limitation and held that a suit for possession could not be treated as



barred merely because the Defendant had remained in occupation for more than three years. It was observed that Article 65 of the Limitation Act, 1963 prescribes a limitation period of twelve years for suits based on title and that the Defendant had neither pleaded nor proved the ingredients necessary to establish adverse possession.

53. The learned ADJ has rightly referred to all these documents and the testimony of the Plaintiff and PW2 Mumtaz Khan, her father, *to hold that the Plaintiff was able to establish her proprietary rights in the Suit property.*

54. The *next pertinent aspect* is **what is the status and the capacity of the occupation in the property of the Appellant.** She has claimed that the property was purchased by her husband in the year 2006 from the erstwhile owner, Shri Ram Lal for Rs.65,000/- and that the construction was raised by her husband who was a mason. However, aside from her bald assertions, there is neither any specific date or document to corroborate the alleged purchase of the property by the husband of the Defendant.

55. She then tried to show her possession since 2006 by relying on the school records of the son. However, the learned ADJ rightly observed that the school record of the child was of the year 2010-11 and cannot establish that the possession was since 2006. It was rightly held that the Defendant was, therefore, unable to prove that she had any possessory Right, Title in the Suit property.

56. For want of any other evidence by the Appellant, the testimony of the Plaintiff based on the conventional documents of purchase of property i.e. Agreement to Sell etc. established her better title in the suit property as compared to the Defendant.



57. The learned District Judge thus, rightly held that the Appellant/Defendant had no right, title or interest to possess or hold the property in question, especially when the allotment in the name of the original allottee i.e. Sh. Ram Lal, was duly admitted even by the Appellant and the documents of title proved by the Plaintiff, were not questioned.

58. The other relevant evidence was the admission of the Appellant that the raid by Enforcement Team of BSES Rajdhani Power Limited was conducted on 06.02.2018, wherein the Respondent/Defendant gave her name as Archita wife of Ravi i.e. the daughter of the Plaintiff so that the Notice Ex.PW2/1 was issued in the name of the wife of the Plaintiff.

59. Pertinently, not a single suggestion was given by the Defendant to PW2 to disprove or to the contrary. The raid was duly proved by PW3 Shri Deepak Yadav.

60. The learned ADJ rightly noted that the Defendant though denied the title in favour of the Plaintiff in her Written Statement, but at the same time did not claim any title in her favour; rather only the possessory right from original allottee Shri Ram Lal and that too, without placing any material on record.

61. It clearly reflected from the evidence that she was neither able to establish her possession to be prior to that of the Plaintiff or that she had a better possessory right than the Plaintiff whose claim was based on the Agreement to Sell etc. Ex.PW1/2 to Ex.PW1/8. Therefore, the claim of the Defendant/Appellant that she was occupying the property in her own right, was not established and proved. In the circumstances, the testimony of the Plaintiff and her father cannot be disregarded to prove that the Appellant had been permitted to live in the property by the Plaintiff.



62. As it has been observed by the learned ADJ, by filing a Suit for Possession is 12 years before the right to claim Possession gets extinguished. The Suit has been filed within the period of limitation. The Plaintiff was unable to pursue the legal remedy for three years for which she has given an explanation of her father having met with an accident and other exigencies, it cannot be said that the delay of three years was reflective of the Plaintiff not having any proprietary rights in the Suit property.

63. The *learned ADJ* has rightly decreed the Suit of the Plaintiff for Possession. Essentially, all the grounds of challenge are purely on facts and did not raise any Substantial Question of Law.

64. **This Second Appeal does not have any merit and is hereby, dismissed.**

65. Pending applications, if any, is accordingly, disposed of.

**(NEENA BANSAL KRISHNA)
JUDGE**

**JUNE 16, 2026
RS/R/VA**