

## Smt. Roshni & Anr vs Smt. Dayawanti & Ors on 21 March, 2018

**Author: Najmi Waziri**

**Bench: Najmi Waziri**

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\* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ RSA 126/2014 & C.M.Nos.16815, 19072/2014

+ RSA 128/2014 & C.M.No. 8819/2014

SMT. ROSHNI & ANR ..... Appellants  
Through: Mr. Naushad Siddiqui, Mr. Suhail Khan,  
Mr. Vishal R. Sehjpal and Mr. Sunil Sagar,  
Advocates.

Versus

SMT. DAYAWANTI & ORS. .... Respondents  
Through: None.

CORAM:  
HON'BLE MR. JUSTICE NAJMI WAZIRI  
ORDER

% 21.03.2018 It is the appellants' contention, inter alia, that the impugned order dated 29.03.2014 passed in RCA No.21/2009 suffers from infirmity. This is so because the decree and the impugned order did not examine the issue of transfer of rights, interests and possession of the suit property i.e. a shop in premises No.C-1251, Jahangirpuri, Delhi-110033 from Mr. Satpal, the original allottee of the land by the Delhi Development Authority to Mr. Shyam Singh. The latter claimed to have purchased the property from Mr. Satpal. Mr. Shyam Singh transferred it to Mr. Bishamber Dayal who in turn sold it to the present appellants. He submits that each of the subsequent purchasers/claimants has documents in their favour, albeit not registered, but their rights would be established on the basis of their continued possession of the suit property.

The learned counsel for the appellants relies upon the judgment of Suraj Lamp & Industries Pvt. Ltd. vs. State of Haryana & Anr., VII (2011) SLT 494, which although holds that the immovable property can be legally and lawfully transferred/conveyed only by a registered deed of conveyance, transactions of the nature of 'GPA sales' or 'SA/GPA/WILL transfers' do not convey title and do not amount to transfer; however, this judgment is not applicable retrospectively to the appellants' case. He further submits that the appellants' documents of conveyance stand proven and since Suraj Lamp (supra) would be applicable prospectively; his rights and interests in the suit property ought to be protected.

None appears for the respondents today, therefore, in the interest of justice, adverse orders are not being passed.

Re-notify on 23.04.2018.

NAJMI WAZIRI, J.

MARCH 21, 2018 sb