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2026:DHC:10404

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

Date of decision: 23.11.2026

\# **CNR No. DLHC010976162025**

\+ EX.F.A. 59/2025, CM APPL. 76967/2025 (Stay) & CM APPL. 76968/2025 (exemption)

NEERA SURI .....Appellant

Through: Appearance not given

versus

JAGJIT SINGH SAWHNEY (SINCE DECEASED) THR LRS & ORS .....Respondents

Through: None

CORAM:
HON'BLE MR. JUSTICE HARISH VAIDYANATHAN SHANKAR

% **JUDGEMENT (ORAL)**

1. The present Appeal, under Order XXI Rule 58 of the Code of Civil Procedure, 1908 ("CPC"), seeks to challenge the Judgment dated 12.09.2025 passed by the learned District Judge-07, Central, Tis Hazari Courts, in Ex. No.120/2014.

2. This Court notes that the matter has been pending for almost a year and a perusal of the Order sheets indicates that the matter has been adjourned on multiple occasions at the request of the Appellant on the ground of seeking time to bring on record certain documents/ certain judgments. However, even today, there are no documents or judgments which are on record.

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3. Despite repeated opportunities, since nothing has been placed on record, this Court thought it appropriate that the matter may proceed. without the said documents. It is at this juncture that the learned counsel for the Appellant submits that the relevant documents are already on record. Without making any observations on the conduct of the Appellant herein, this Court proceeds to hear the matter.

4. Learned counsel for the Appellant seeks to challenge the Order dated 12.09.2025 on the same ground as was iterated before the learned Executing Court that the second floor property is under ownership and possession since the same had been purchased by one, late Smt. Kamla Rani, her mother, in the name of her children. Thereafter, upon the demise of the Appellants' brother, the remaining sisters of the Appellant relinquished their share in the said property in favour of the Appellant herein.

5. At this juncture, this Court deems it appropriate to extract the relevant findings of the learned Executing Court, which read as under:

> "5. The Objector, namely, Smt. Neera Suri is claiming her right in the suit property on the basis of certain documents i.e. agreement to sell, GPA, Will etc., which were executed in favour of Smt. Darshana Rani. The objector narrated all the details as to how the said right, title and interest (if any) of Darshana Rani traveled through her family members/descendants children and thereafter, certain relinquishment deeds (unregistered) were executed in favour of Neera Suri by some of the alleged joint holders.
>
> 6. A specific query was raised by this court as to what right was possessed by the person who executed the aforesaid GPA/AOS/Will etc. in favour of Darshna Rani but no specific answer has been given. Orally, it is argued that Smt. Darshana Rani acquired the said right from one Sh. Ram Lal. However, no ownership document of Sh. Ram Lal was placed on record. The

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objector was especially given an opportunity on the last date to place on record entire chain of documents but same has not been filed till date.

7. The Ld. Counsel for the Objector argued that there are several documents on record like MCD receipt/letter, electricity bill etc. and he claimed right of objector on the basis of said documents. It is a settled position of law that said documents do not confer any right, title and interest. On the one hand, the plaintiff/DH has acquired right in the suit property on the basis of sale certificates which were issued by the Ministry of Rehabilitation. On the other hand, the objector is claiming her right on the basis of documents without filing of origin of title. Therefore, while deciding the present objection, this court has to recognize the right of the plaintiff which is superior to the defendant. Even in the judgment passed against the defendant Sh. Ashok Kumar, who was son of Sh. Ram Lal, the Ld. Trial Court dealt with the alleged rights/claims of the defendant and they were rejected because there was no merit.

8. It is informed that Smt. Darshna Rani is wife of Sh. Ram Lal, therefore, when right/claim of Sh. Ashok Kumar and Sh. Ram Lal has been rejected in the judgment, their decedents including the Objector cannot have any better right/title."

(emphasis supplied)

6. It is pertinent to note herein that the documents, placed on record in support of the Appeal, are the same documents which were before the learned Executing Court and nothing fresh has been placed before this Court to further advance or buttress the case of the Appellant herein.

7. Further, this Court finds that the learned Executing Court had specifically called upon the Appellant to establish the source and origin of the title claimed by her predecessors-in-interest. In particular, the learned Executing Court had sought an explanation as to the nature of the rights possessed by the person who had allegedly executed the Agreement to Sell, General Power of Attorney and Will in favour of

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Smt. Darshana Rani. However, no cogent explanation, much less any documentary evidence establishing the title of the original executant, was furnished. Even before this Court, the Appellant has failed to bridge this fundamental gap in the alleged chain of title. Merely placing reliance upon a series of subsequent documents, without establishing the title of the person from whom the original claim emanates, cannot confer any better right upon the Appellant. It is a settled principle of law that a person cannot transfer a title better than what he himself possesses. Consequently, unless the original source of title is established, the subsequent documents purportedly executed in favour of the Appellant's predecessors or the Appellant herself cannot, by themselves, establish a lawful claim over the subject property.

8. Also, the reliance placed by the Appellant upon MCD receipts, municipal correspondence, electricity bills and other similar documents is also misplaced. Such documents may, at best, indicate payment of certain charges or the existence of a connection in respect of the subject premises; however, they do not, by themselves, constitute documents of title or establish ownership of the property. The evidentiary value of these documents cannot be elevated to that of legally recognised title documents, particularly when the very origin of the alleged title remains unestablished. Likewise, the alleged relinquishment deeds executed by the sisters of the Appellant cannot advance her case in the absence of proof that the executants thereof possessed any subsisting right, title or interest capable of being relinquished. The Appellant's claim, therefore, suffers from a fundamental deficiency, inasmuch as the subsequent devolution of the alleged rights has been sought to be established without first

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establishing the existence of such rights in the original holder.

9. On the other hand, the Decree Holder therein traces its claim to the Sale Certificates issued by the Ministry of Rehabilitation in respect of the subject property. The learned Executing Court has duly taken note of the respective nature of the claims set up by the parties and has found that the Decree Holder's claim is founded upon documents evidencing title, whereas the Appellant has failed to establish the foundational source of the title asserted by her. This Court finds no reason to take a different view. It is also significant that the learned Executing Court had taken note of the findings rendered in the judgment passed against Sh. Ashok Kumar, son of Sh. Ram Lal, wherein the alleged rights claimed through the same chain of persons had not been accepted. In the absence of any independent and cogent material establishing a distinct or superior right in favour of the Appellant, no ground is made out to interfere with the findings of the learned Executing Court.

10. This Court is, therefore, of the considered view that the Appellant has failed to demonstrate any perversity, illegality or infirmity in the impugned Judgment warranting interference in the present Appeal. The submissions advanced on behalf of the Appellant are substantially a reiteration of the claims and objections already considered and rejected by the learned Executing Court, and the material placed before this Court does not persuade it to arrive at a different conclusion. The Appellant has also failed to establish any independent right, title or interest in the subject property so as to sustain her objections under Order XXI Rule 58 of the CPC.

11. Accordingly, the present Appeal, being devoid of merit, stands

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dismissed.

12. The present Appeal, along with pending Application(s), if any, is disposed of in the aforesaid terms.

HARISH VAIDYANATHAN SHANKAR, J.

NOVEMBER 23, 2026/rk/va