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“M/s LAN Estate Private Limited Vs. Gurmukh Singh and others.”

2. Respondent No.1 had filed a Civil Suit bearing No.193 of 2009 against 18 defendants. Petitioner in CR-3298-2016 was impleaded as defendant No.17, whereas, petitioner in CR-3523-2016 was impleaded as defendant No.15. The suit was filed for declaration, permanent injunction and mandatory injunction and in the said suit, following prayers were made: -

“Keeping in view of the facts and circumstances stated hereinabove, it is most respectfully prayed that:-

- a) *A decree of declaration may be passed in favour of the plaintiff and against the defendants, their Agents, servants and representatives, thereby declaring that the plaintiff is the actual owner of the suit land fully detailed and described in para 1 of the plaint, situated within the revenue estate of village Jalalpur Sohna, The Tauru, Distt. Mewat at Nuh (Haryana) and that defendants have got no right, title of interest in respect of the same and the documents, if any with the defendants pertaining to the said suit property are forged and fabricated and on wrong evidence and liable to be cancelled;*
- b) *That the transfer documents in respect of the suit property detailed in para 1 of the plaint above situated within the revenue estate of vill. Jalalpur Sohna The Tauru, Distt-Gurgaon, available with the defendants, if any, on the false and bogus sale-deeds bearing Vasika No.142 to 148 all dated 04.05.1973, as described in para 4 (a) to (g) of the plaint, may be directed to be cancelled and a decree for mandatory injunction in respect may also be passed, by cancelling the late sale-deeds as detailed in para 12 (a) to (c) and in para 8 (a) to (m).*
- c) *A decree for permanent injunction may be passed in favour of the plaintiff and against the defendant their agents, servants, and representative, the restraining them from alienating the*



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suit land detailed in para 1 of the plaints as well as the alleged sale-deeds, executed and registered on the false and bogus evidences and from dispossessing the plaintiff forcibly and illegally, may kindly be passed in favour of the plaintiff and against the defendants, with costs of the suit.”

3. Defendant No.17 as well as defendant No.15 were proceeded against ex-parte and a reference has been made to the zimni order to show that neither defendant No.17 nor defendant No.15 were served in accordance with law. Both the said defendants filed their separate applications under Order 9 Rule 13 CPC and both the said applications were dismissed vide separate orders of even date i.e. 04.11.2015. The appeals filed by both the petitioners before the 1st Appellate Court were also dismissed vide two separate orders of even date i.e. 16.03.2016. It is against the said two set of orders passed in the applications under Order 9 Rule 13 CPC, the present revision petitions have been filed.

4. During the course of arguments, a consensus has been arrived at between learned senior counsel for the petitioner in CR-3523-2016 as well as learned counsel for the petitioner in CR-3298-2016 and learned counsel for respondent No.1, who is the plaintiff and contesting respondent. On the basis of the said consensus, the present revision petitions are partly allowed, with the following directions/observations: -

- (i) The impugned orders dated 04.11.2015 as well as dated 16.03.2016 in both the revision petitions are set aside and the impugned ex-parte judgment and decree dated 11.10.2012 is



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also set aside.

- (ii) The petitioners as well as respondent No.1 are directed to appear before the trial Court on 13.08.2025.
- (iii) The petitioners in both the revision petitions, who are defendants No.15 and 17, have undertaken to file their respective written statements within a period of three weeks from 13.08.2025. The respondent No.1 has also undertaken to file the replication to the said written statements within a further period of three weeks.
- (iv) The service on the other defendants would be effected in accordance with law.
- (v) Only one opportunity would be provided to each of the defendants to file their respective written statements after they have been served.
- (vi) Needless to say in case the said defendants do not appear even after being served, then, it would be open to the Court to initiate ex-parte proceedings against them.
- (vii) After the service is completed, the Court would frame the issues within a period of one month from the date the pleadings are completed.
- (viii) The plaintiff would be given three effective opportunities to lead his evidence and three effective opportunities would be given to each of the defendants who are contesting.
- (ix) Every endeavour would be made by the trial Court to decide



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the suit as expeditiously as possible.

- (x) Counsel appearing for all the parties are also requested to fully assist the Court in expeditious disposal of the case.
- (xi) This Court has not opined on the merits of the case and it would be open to all the parties to raise their pleas as available to them in accordance with law before the trial Court.

August 08, 2025
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No