

06.11.2025

Mentioned today by Shri Sriom, Counsel for Petitioners.

1. Case is mentioned today.
2. The Counsel for Petitioners contended that this court has issued order dated 24.09.2025 whereby the case was remanded back to the SDM/RA (Najafgarh) with the direction to hear the Petitioners and pass a speaking order within three months keeping in view that village stands covered under LDRA notification and also urbanized.
3. The Counsel for Petitioners further contended that vide the said order dated 24.09.2025 the matter was remanded back to SDM/RA without setting aside the impugned order dated 27.06.2017 passed by SDM/RA.
4. The Petitioners prayed for setting aside of the impugned order dated 27.06.2017, while remanding the case back to the SDM/RA. In support of his contentions, the Counsel for Petitioners filed copy of judgment dated 02.02.1968 in WPC No.314/1967 passed by Hon'ble High Court of Allahabad titled "*Jata Shanker Vs. Prem Shankar & Ors.*" wherein it is held that:

8. ...The Deputy Director, in my opinion, committed an error in proceeding on the assumption that the will was genuine without touching upon and setting aside the finding of the Consolidation Officer that the will was not genuine.

9...The petition, therefore, succeeds in part. The impugned order of the Deputy Director is set aside and the matter is sent back to him for deciding the question relating to genuineness of the will and then to dispose of the revision in accordance with law and in the light of the observations made above. The Petitioner will be entitled to his costs.

and the judgment dated 01.07.2025 passed by Hon'ble High Court of Madhya Pradesh in Misc.Appeal No.110/2015 titled "*Harcharan (deleted) through LRs (1) Narendra Singh & Others Vs. The State of Madhya Pradesh and Others*" wherein it is held that:

7. In case of **Shivkumar & Ors. vs. Sharanabasappa & Ors.**, 2020 Legal Eagle (SC) 359 the Hon'ble Apex Court has held in para 25.2 to 25.4.1 as under :-

25.2. Rule 23-A came to be inserted in Order 41 CPC by way of the Code of Civil Procedure (Amendment) Act, 1976. Prior to this amendment, it was generally accepted by the Courts that although under Rule 23, an order of remand could be made only on reversal of a decree disposing of suit on a preliminary point but, the appellate court has the inherent power of remanding a case where it was considered necessary to do so in the interest of justice. Some of the High Courts had made similar provisions by way of their respective amendments. Insertion of Rule 23-A in Order 41 by the amending Act of 1976 makes it explicit that even when the suit has been disposed of otherwise than on a preliminary point and the decree is reversed in appeal, the appellate court shall have the power of remand, if a retrial is considered necessary. [Such powers of remand, as provided in Rules 23 and 23-A of Order 41, are different than the power of the appellate court to remit an issue for findings under Rule 25. The power of remitting is ordinarily to be resorted to when the trial court has omitted to try any material issue or to determine any question of fact. In other words, the proper procedure in a case where the trial court, while disposing of the suit on merits, had failed to determine one or more of the material issues/questions, is to remit the issue/question(s) under Rule 25 and not to remand the whole case for retrial. Ordinarily, in the case of an order under Rule 25 of Order 41, the matter is retained on the file of the appellate court and only the issue/question(s) are remitted to the trial court for findings. On the other hand, when an order of remand is made under Rule 23 or Rule 23-A, the whole case goes back for decision to the trial court except on the point on which the appellate court has returned concluded finding, if any. While making a remand under Rule 23 or Rule 23-A, the judgment and decree of the trial court is required to be set aside but it is not necessary to set aside the impugned judgment and decree when taking recourse to Rule 25 of Order XLI.]

5. Issue notice to the Respondents to appear and lead the case on the next date of hearing.
6. List on 26.11.2025.

**Financial Commissioner,
Delhi**

06.11.2025

Mentioned today by Shri Sriom, Counsel for Petitioners.

1. Case is mentioned today.
2. The Counsel for Petitioners contended that he has filed review petition under Appendix 6 Rule 32 of the Delhi Land Reforms Rules 1954 read with Section 114 and order XVII Rule 1 of CPC against the order dated 08.09.2025 passed by this Court.
3. The Counsel for Petitioners also contended that this court has issued order dated 08.09.2025 whereby the case was remanded back to the DC/DM (Najafgarh) with a direction to adjudicate the pending proceedings within a period of 60 days from today after hearing all the parties, and keeping in view the fact that the village Jhatikara stands notified as LDRA way back in 2013.
4. The Counsel for Petitioners further contended that vide the said order dated 08.09.2025 the matter was remanded back to DC/DM without setting aside the proceedings under Section 86 of the Delhi Land Reforms Act pertaining to land measuring 1500 sq. yards comprising in Khasra No.84 situated in the Old Laldora Abadi of Village Jhatikara, Delhi in case titled as "*Sushil Kumar vs. Satbir & Ors.*" before the DC/DM.
5. The Petitioners prayed for setting aside of the same while remanding the case back to the revenue authorities. In support of his contentions, the Counsel for Petitioners filed copy of judgment dated 02.02.1968 in WPC No.314/1967 passed by Hon'ble High Court of Allahabad titled "*Jata Shanker Vs. Prem Shankar & Ors.*" wherein it is held that:
 8. ...*The Deputy Director, in my opinion, committed an error in proceeding on the assumption that the will was genuine without touching upon and setting aside the finding of the Consolidation Officer that the will was not genuine.*

9...The petition, therefore, succeeds in part. The impugned order of the Deputy Director is set aside and the matter is sent back to him for deciding the question, relating to genuineness of the will and then to dispose of the revision in accordance with law and in the light of the observations made above. The Petitioner will be entitled to his costs.

and the judgment dated 01.07.2025 passed by Hon'ble High Court of Madhya Pradesh in Misc.Appeal No.110/2015 titled "*Harcharan (deleted) through LRs (1) Narendra Singh & Others Vs. The State of Madhya Pradesh and Others*" wherein it is held that:

7. In case of **Shivkumar& Ors. vs. Sharanabasappa& Ors., 2020 Legal Eagle (SC) 359** the Hon'ble Apex Court has held in para 25.2 to 25.4.1 as under :-

25.2. Rule 23-A came to be inserted in Order 41 CPC by way of the Code of Civil Procedure (Amendment) Act, 1976. Prior to this amendment, it was generally accepted by the Courts that although under Rule 23, an order of remand could be made only on reversal of a decree disposing of suit on a preliminary point but, the appellate court has the inherent power of remanding a case where it was considered necessary to do so in the interest of justice. Some of the High Courts had made similar provisions by way of their respective amendments. Insertion of Rule 23-A in Order 41 by the amending Act of 1976 makes it explicit that even when the suit has been disposed of otherwise than on a preliminary point and the decree is reversed in appeal,-the appellate court shall have the power of remand, if a retrial is considered necessary. [Such powers of remand, as provided in Rules 23 and 23-A of Order 41, are different than the power of the appellate court to remit an issue for findings under Rule 25. The power of remitting is ordinarily to be resorted to when the trial court has omitted to try any material issue or to determine any question of fact. In other words, the proper procedure in a case where the trial court, while disposing of the suit on merits, had failed to determine one or more of the material issues/questions, is to remit the issue/question(s) under Rule 25 and not to remand the whole case for retrial. Ordinarily, in the case of an order under Rule 25 of Order 41, the matter is retained on the file of the appellate court and only the issue/question(s) are remitted to the trial court for findings. On the other hand, when an order of remand is made under Rule 23 or Rule 23-A, the whole case goes back for decision to the trial court except on the point on which the appellate court has returned concluded finding, if any. While making a remand under Rule 23 or Rule 23-A, the judgment and decree of the trial court is required to be set aside but it is not necessary to set aside the impugned judgment and decree when taking recourse to Rule 25 of Order XLI.]

6. Issue notice to the Respondents to appear and lead the case on the next date of hearing.
7. List on 26.11.2025.

**Financial Commissioner,
Delhi**

06.11.2025

Present : Shri Vaibhav Rana, Counsel for Petitioner.
: Shri V.K. Mishra, Counsel for R-2, Society.
: Shri Rohan Nagar, Proxy Counsel along with Shri Shahid, S.O. for Respondent, RCS.

1. The petitioner contended that the order for attachment of the petitioner's salary was issued without any notice or inquiry, even though the entire loan amount of Rs.5,07,696/- had already been cleared from the LIC Policy proceeds of Rs.5,79,767/- after the death of the principal borrower, Late Sh. Narendra Singh. In fact, the respondent society received Rs.42,980/- in excess, leaving no outstanding liability on the petitioner as surety.
2. The counsel for Petitioner further submitted that the R-2 had already recovered an amount of Rs.5,79,767/- through LIC policy. Counsel for Petitioner prayed further for waiving of the cost imposed on the last date of hearing as the mother of counsel is suffering from cancer. In view of the submissions made, the cost is accordingly waived of. The Petitioner is directed to file documentary proof regarding payment made by him or by the Principal borrower to the Respondent Society.
3. The Counsel for R-2, society submitted that Petitioner stood surety for the Principal borrower i.e. Late Narendra Kumar who expired without clearing the outstanding loan amount and since the Society has insured the loan amount from the insurance company hence the society received Rs.5,79,767/- from the insurance company towards the loan amount of Rs.5,00,000/-. Despite receiving the loan amount, the entire amount outstanding is not clear as the total amount includes penal interest, NPA amount, Arbitration cost. The Counsel could clarify if Arbitration imposed certain costs on borrower and what is NPA amount

4. The R-2 society is directed to file copy of loan agreement, precise statement regarding the date-wise payments received till date.
5. In view of the submissions made by the Petitioner no further recovery shall be made from the Petitioner till the matter is finally decided.
6. Proxy Counsel for Respondent, RCS appeared and sought time as the main counsel is out of station. The representative of the department also filed reply which is taken on record and copy of the same is supplied to the Petitioner and R-2.
7. None appeared for R-3. Issue final notice to appear and lead the case on the next date of hearing.
8. Adj. to 28.11.2025 for final argument.

**Financial Commissioner
Delhi**

06.11.2025

Present : Shri Subhash Chand, Petitioner in person.
: Shri Rohan Nagar, Proxy Counsel alongwith Shri Shahid, Sr. Asst. for R-6, RCS.

1. Petitioner appeared in person and sought time as the Counsel is not available. Allowed as a final opportunity to the petitioner to appear and lead the case on the next date of hearing failing which, cost may be imposed.
2. On query by the court regarding amount already deposited, the petitioner informed that he has not paid any amount in this case and refuted the claim of his counsel made during previous hearing regarding making payment of Rs.3.92 lakhs.
3. None appeared for the R-1, T/C society. Final opportunity is given to R-1 to appear and file reply before the next date of hearing with an advance copy to the petitioner and also file the loan agreement, payments received other relevant documents, etc. Issue notice to the R/1, T/C Society.
4. R-1, T/C Society Ltd: Is further directed not to recover any amount from the petitioner till the next date of hearing and also clarify regarding the amount recovered against the insurance policy.
5. The Respondent, RCS is directed to be represented adequately, failing which costs may be imposed.
6. Adj. to 28.11.2025 for arguments.

06.11.2025

Present : Shri Sanket Dhawan, Treasurer in person for Petitioner in all cases.

: Shri Rohan Nagar, Proxy Counsel for RCS in all cases.

1. Representative for Petitioner requested for short adjournment as the Counsel is not available. Request is allowed with a direction to appear through Counsel and lead the case adequately. The Petitioner is given a final opportunity to clarify why the petitioner did not approach RCS in appeal against the order dated 05.06.2025 issued by the Asstt. RCS and agitate the same directly in this Court, on the next date of hearing.
2. Proxy Counsel for RCS sought time as the main counsel is out of station and undertook to file reply within a week with an advance copy to the Petitioner. Allowed with the direction to the RCS to appear and lead the case adequately, failing which costs may be imposed.
3. Both the parties are directed to come prepared for arguments on the next date of hearing failing which, cost may be imposed.
4. Adj. to 14.11.2025 for arguments.

**Financial Commissioner
Delhi**

06.11.2025

Mentioned today by Shri Group Captain Subrata Roy, Contemnor/Review Applicant in person.

1. Case is mentioned today.
2. The Contemnor/Review Applicant had filed the Contempt Petition under Section 2(8) read with Section of the Contempt of Courts Act, 1971 seeking initiation of contempt proceedings against the Respondent. The Contemnor/Review Applicant further contended that many facts are not included in the order dated 10.10.2025 passed by this Court and this order did not mention that R-1 never objected to the order of Special RCS to carry out inspection. Similarly in Para 2 of this Court, Contemnor/Review Applicant had agreed to the request of R-1/Society to carry out inspection from the year 2019 and Applicant was never part of MC.
3. Issue notices to Respondent to RCS and the Society appear and lead the case on the next date of hearing.
4. List to 27.11.2025.

**Financial Commissioner,
Delhi**

06.11.2025

Mentioned today by Shri Sandeep Kumar, Counsel for Petitioner.

1. Case is mentioned today.
2. The Counsel for Petitioner has today filed the present revision petition under Section 116 of Delhi Cooperative Societies Act, 2003 for quashing the order dated 15.09.2025 passed by the RCS whereby Shri Harvinder Kumar, Deputy Director has been appointed an Inquiry Officer to conduct inspection of the records of the society for the period relevant to the allegations made in the complaint dated 14.12.2021 filed by Shri Rajiv Parashar regarding irregularities and criminal misconduct by members of society.
3. The Counsel for Petitioner further submitted that said impugned order is illegal and non-speaking order and the contentions of the Petitioner herein were also not considered. The Counsel for Petitioner also requested for short date for hearing the revision petition before this court. The request is allowed. Accordingly, issue dasti notices to Respondents to appear and lead the case on the next date of hearing.
4. List on 27.11.2025.

**Financial Commissioner,
Delhi**