

CS 2125/16

NARENDER KUMAR VASHISHT AND ORS Vs. SMT ANITA
SHARMA

And

CS 96/24

ANITA SHARMA Vs. NARENDER KUMAR

18.06.2026

At 8:11pm

Present: Son of plaintiffs/respondents namely Sh. Kushagra
Vashisht in person (appeared at 11:33am and
2:00pm).
Defendant/counter claimant in person (appeared at
3:21pm and 7:28pm).

Vide common judgment on this even date,
announced in open Court, **main suit i.e. CS No.2125/2016 is
dismissed and accordingly disposed of. The counter claim i.e. CS
No.96/2024 is partly allowed and accordingly disposed of.**
Following decrees are passed in both the suits which are
mentioned as under:-

- I. The sale deed dated 13.05.2005 is a valid document.
- II. This Court declares that a right has been accrued in favour of
defendant in respect to the suit property being its 'mortgagee' and
therefore, during existence of such right, a decree of possession
cannot be passed in favour of plaintiffs and against
defendant/counter claimant. Thus, the relief of possession
claimed by plaintiffs in the main suit has been denied.
- III. The relief of mesne profit has also been denied to plaintiffs
due to suppression of material facts and also because of the

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reason that the cause of action to claim the mesne profit has been extinguished/diluted during the pendency of the suit.

IV. The reliefs of declaration claimed by defendant in the counter claim have also been denied.

V. A decree of permanent injunction is passed in favour of defendant/counter claimant and against plaintiffs thereby restraining the plaintiffs from creating, selling, transferring, alienating or disposing of the suit property till the time defendant has a right to occupy the suit property being a 'mortgagee'.

VI. A decree of permanent injunction is passed in favour of defendant/counter claimant and against plaintiffs thereby restraining the plaintiffs from dispossessing the defendant from the suit property without following due process of law and till the time defendant has a right to occupy the suit property being a 'mortgagee'.

VII. Parties shall bear their respective cost.

Let decree sheet be prepared accordingly.

Files be consigned to record room after due compliance.

(Deepanker Mohan)
District Judge-04
Shahdara District/KKD Courts/Delhi
18.06.2026.2026