

24 CS 195/25

**SURESH KATHURIA AND ANR. Vs. SHAKUNTALA DEVI AND
ORS.**

06.04.2026

At 12:09pm

Present: Sh. Rajat Jain, Ld. Counsel for plaintiffs.
Sh. Rakesh Srivastav, Ld. counsel for D-1 to D-4
through VC.
Sh. Vishal Khanna, Ld. counsel for D-5 and D-6
through VC.

Ld. counsel for plaintiffs, on instructions submits that defendant No.1 and 2 have already sold the second floor of the suit property No.177, Hargobind Cooperative House Building Society Ltd., Delhi-92 on 26.03.2025 to one Ms. Zehra Khan. He further submits that defendant No.3 and 4 have already sold the third floor of the property No.177, Hargobind Cooperative House Building Society Ltd., Delhi-92 on 10.01.2025 to defendant No.5 and 6.

Plaintiffs have sought interim relief for attachment before Judgment in respect to second floor and third floor of the property bearing No.177, Hargobind Cooperative House Building Society Ltd., Delhi-92. It has also been prayed that defendants be restrained from selling or creating any third party right or interest in respect to second floor and third floor of the property bearing No.177, Hargobind Cooperative House Building Society Ltd., Delhi-92, during the pendency of the present suit.

Defendant No.3 and 4 have already sold the third floor of the property bearing No.177, Hargobind Cooperative House Building Society Ltd., Delhi-92 to defendant No.5 and 6. Admittedly, there is no privity of contract of plaintiff with defendant No.5 and 6.

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Defendant No.1 and 2 have also sold the second floor of the property bearing No.177, Hargobind Cooperative House Building Society Ltd., Delhi-92 to Ms. Zehra Khan on 26.03.2025.

Plaintiffs have sought interim relief qua the aforesaid property/floors which has already been sold. There is no privity of contract of plaintiff with defendant No.5, defendant No.6 and Ms. Zehra Khan, therefore, the **application is not maintainable and deserves to be dismissed. Thus, the application stands dismissed.**

Application under Order XXXIX Rule 1 and 2 r/w Order XXXVIII Rule 5 CPC is accordingly disposed of.

Parties are directed to produce original documents on NDOH. Parties are also directed to file proposed issues, if any.

Parties are also directed to appear in person on NDOH for the purpose of admission and denial of documents and recording of their statements under Order X CPC, if required.

Put up for admission and denial of documents and framing of issues on 04.06.2026.

Date is given as per the convenience of Ld. counsels.

(Deepanker Mohan)
District Judge-04
Shahdara District/KKD Courts/Delhi
06.04.2026