

23.04.2026

Present: None.

1. Vide this order I shall dispose of the application under Order XXXIX Rule 2A read with Section 151 CPC filed on behalf of Defendant No. 2, seeking action against Defendant No. 1 for alleged wilful disobedience of the status quo order dated 28.01.2015 passed by the Hon'ble High Court of Delhi in the present suit.

2. It is pertinent to note here that initially the present suit was filed before the Hon'ble High Court of Delhi bearing CS (O.S.) 220/2015 and the suit was transferred to Shahdara District vide order dated 07.12.2015 of the Hon'ble High Court of Delhi in view of Notification No.27187/DHC/Orgl. Dated 24.11.2015 of the Hon'ble Delhi High Court.

3. The factual foundation of the application is that vide order dated 28.01.2015, the Hon'ble High Court directed the parties to maintain status quo with regard to the title and possession of the suit properties, namely property bearing No. E-69, Jhilmil Colony, Delhi-110095, and property bearing Plot No. SJ-2/215, Khasra No. 1376, situated at Shivalik Ganga Vihar, Village Rurki, District Haridwar, Uttarakhand. It is alleged that despite the aforesaid subsisting order, Defendant No.1 executed three sale deeds in respect of the Haridwar property in favour of three subsequent purchasers, namely Smt. Sarita Sharma, Sh. Jai Bhagwan Saini and Smt. Sapna. One sale deed was executed in favour of Smt. Sarita Sharma (dated 03.12.2020 Bahi No.1, Jild 5632, page no. . 117 to 136, Serial no. 7030) and two sale deeds were executed on 25.11.2022 respectively in favour of Sh. Jai Bhagwan (Bahi No. 1, Jild

6976, page no. 119-140, Serial no. 11865) and Smt. Sapna (Bahi No. 1, Jild 6976, page no. 299-320, Serial no. 11877) in complete disregard of the order dated 28.01.2015 passed by the Hon'ble High Court of Delhi in the present suit. It is further alleged that Defendant No. 1 suppressed these transactions from the Court while he was regularly appearing in this matter.

4. It is further alleged that it has been mentioned in the above Sale Deeds that the property concerned is free from any encumbrances and no litigation is pending qua the same and that after the demise of late Smt. Usha Sharma, defendant No.1 is the sole owner of the suit property.

5. A show cause notice was issued to Defendant No. 1 vide order dated 06.05.2024 as to why he should not be held liable under Order XXXIX Rule 2A CPC. By the said order, Defendant No. 1 was also directed to file an affidavit of assets and liabilities and to deposit the entire consideration received in respect of the sale transactions in the form of an auto-renewable FDR from a nationalised bank in the name of the court.

6. Despite said directions the Defendant No. 1 has not deposited the sale consideration in the court.

7. Defendant No. 1 filed his reply and written submissions opposing the application. He admitted that he has executed the above three sale deeds. The principal objections raised by him are that the applicant lacks locus; that the suit had earlier been dismissed in default and no interim order survived; that the plaintiff had not complied with Order XXXIX Rule 3 CPC; and that there was no wilful disobedience on the part of Defendant No. 1.

8. Defendant No. 2 filed rejoinder and written submissions reiterating that the status quo order dated 28.01.2015 remained operative and that the

alienations made by Defendant No. 1 constitute wilful disobedience under Order XXXIX Rule 2A CPC.

9. I have heard learned counsel for the parties and carefully perused the record, including the application, reply, rejoinder, written submissions, sale deeds, the order dated 06.05.2024.

10. It is relevant to note here that vide order dated 16.11.2024, the three subsequent purchasers namely Jai Bhagwan, Smt Sapna and Smt Savita sharma were impleaded as defendant No.3A to 3C in the present suit under Order I Rule 10 read with Order XXII Rule 10 CPC after service by publication and were subsequently proceeded ex parte vide order dated 25.01.2025. Defendant No. 1 submitted before this court that subsequent purchaser told him that the stay order passed by the Hon'ble High Court of Delhi in the present suit was effective only for 6 months. The said alleged advice by the subsequent purchasers does not absolve Defendant No. 1 of liability for his own conduct in violating the subsisting status quo order and does not abolish the original breach.

11. The law on Order XXXIX Rule 2A CPC is well settled. The jurisdiction is punitive and coercive in nature. It can be exercised only where the Court is satisfied, on clear material, that there was a subsisting injunction order and that the same had been knowingly and wilfully disobeyed.

12. In the present case, the following circumstances are established from the record and admissions by the Defendant No.1.

- a. The order dated 28.01.2015 of the Hon'ble High Court of Delhi directing the parties to maintain status quo with regard to title and possession of the suit properties was in force.

- b. Defendant No.1 was a party to the proceedings and had full knowledge of the order and was regularly appearing before the court.
 - c. Defendant No.1 had himself moved an application under Order XXXIX Rule 4 CPC seeking vacation of the injunction, which remained pending and was later disposed of vide order dated 01.09.2021 as not pressed which shows that Defendant No.1 was conscious of the operative nature of the said order.
 - d. Defendant No.1 executed a sale deed dated 03.12.2020 in favour of Smt. Sarita Sharma, and thereafter executed sale deeds dated 25.11.2022 in favour of Sh. Jai Bhagwan Saini and Smt. Sapna. The sale deeds contain recitals asserting that property is free from all encumbrances and that Defendant No. 1 was the sole owner after the demise of late Smt. Usha Sharma.
 - e. No permission of the Court was obtained before executing the said three sale deeds by Defendant No.1.
 - f. These transactions were not disclosed to the Court when Defendant No. 1 stated on 01.09.2021 that he was not pressing the Order XXXIX Rule 4 CPC application.
13. The explanation offered by Defendant No. 1 that the suit had earlier been dismissed in default and that the injunction order did not survive is not acceptable in the facts of this case. The order dated 06.05.2024 already recorded a prima facie conclusion that the status quo order had revived upon restoration of the suit and that Defendant No. 1 had wilfully violated the same. That order has not been set aside, stayed, or varied. The Court sees no reason to depart from the said finding.

14. The plea that the applicant has no locus also deserves rejection. Defendant No. 2 is a party to the suit and is directly affected by the alienation of the suit property in breach of a subsisting court order. He is competent to invoke Order XXXIX Rule 2A CPC on the facts of this case.

15. The Court also notes the conduct of Defendant No. 1 during the pendency of these proceedings. Despite the order dated 06.05.2024 directing deposit of the consideration amount, Defendant No. 1 did not comply the same. The subsequent orders dated 10.07.2024, 19.07.2024, 30.08.2024, 16.11.2024, 11.12.2024, 12.07.2025, 22.08.2025 and 14.11.2025, as reflected from the record and written submissions, further show repeated non-compliance and attempts to obscure the true state of affairs as the court has to issue repeated directions to defendant No. 1 to file the affidavit of assets and liabilities and all bank accounts on his name which were not disclosed completely in the initial affidavit filed by him. It has been stated that defendant No.1 that he has suffered loss of the substantial amount in Share trading and stock market however he also failed to account for the amount transferred by him in the bank account of his wife and son after receiving the sale consideration.

16. In the light of the foregoing, the Court is satisfied that Defendant No. 1, with full knowledge of the subsisting order dated 28.01.2015, wilfully and deliberately disobeyed the same by alienating the Haridwar property in favour of third parties and by suppressing the transactions from the Court. The ingredients of Order XXXIX Rule 2A CPC are thus made out.

17. Accordingly, the application under Order XXXIX Rule 2A read with Section 151 CPC is allowed against Defendant No. 1.

Order

18. In view of the foregoing discussions and findings, following orders are passed:

- i. Defendant No. 1 is held guilty of wilful disobedience of the status quo order dated 28.01.2015 and shall undergo civil imprisonment for a period of 30 days, subject to deposition of subsistence allowance by the applicant/ defendant No. 2 and rules.
- ii. The said three sale transactions dated 03.12.2020 and 25.11.2022 executed by Defendant No. 1 during the subsistence of the status quo order dated 28.01.2015 of the Hon'ble High Court of Delhi, shall remain subject to the final outcome of the present suit and further orders of this Court.
- iii. The rights of the subsequent purchasers i.e. Defendant Nos. 3A to 3C, who were impleaded in the suit and proceeded ex parte, shall be subject to the result of the present suit and the orders passed therein.
- iv. Defendant No. 1 shall comply with the order dated 06.05.2024 and deposit the entire sale consideration received in respect of the aforesaid alienations in the form of an auto-renewable FDR from a nationalised bank within four weeks from today failing which Defendant No. 1 shall be liable to further coercive action in accordance with law.

**Announced in open Court today
on 23.04.2026**

(Mohammad Ehtesham)
ASJ-07, South East, Saket Courts, Delhi
*(Then District Judge-03, Shahdara District,
Karkardooma Courts, Delhi)*
23.04.2026