

1 CS 1749/16

PRATIBHA SHARMA Vs. INDU SHEKHAR

30.05.2026

Present : Plaintiff through VC.
Defendant no.1 through VC.
Sh. Manmohan Satija, Ld Counsel for Defendant no.1.
Sh. Gagan Kumar Singhal, Ld Counsel for Defendant no.2.

Between dates of hearing, defendant no.2 has filed application u/s. 57 read with Order 21 Rule 39 CPC seeking permission to deposit subsistence allowance in compliance of order dated 23.04.2026.

Arguments heard.

It is mentioned in the application that the applicant/defendant no. 2 had filed an application under Order XXXIX Rule 2A CPC against the defendant no. 1 for willful disobedience of Order dated 28.01.2015 passed by the Hon'ble High Court of Delhi where it was directed to maintain "Status Quo" with respect to the title and possession of the suit properties, including property bearing no. E-69, Jhilmil Colony, Delhi-110095 and property bearing Plot no. SJ-2/215, situated in Shivalik. Ganga Vihar, Village Rurki, District. Haridwar, Uttarakhand. Defendant no. 1 vide sale deed dated 03.12.2020, 25.11.2022 and 25.11.2022 sold the suit property to third parties including Smt. Sarita Sharma, Sh. Jai Bhagwan Saini and Smt. Sapna in violation of the "Status Quo" order. As per details in certified copies of sale deeds, sale consideration is of Rs. 1,26,00,000/- out of which the defendant no. 1 had received an amount of Rs. 60,33,000/- in his bank account. This fact came to the knowledge of the defendant no. 2/applicant on 31.12.2023.

It is further mentioned in the application that in February 2024, the applicant has preferred an application under Order XXXIX Rule 2A against the acts of the defendant no. 1 for violation of status quo order; vide order dated 06.05.2024 this court held the defendant no.1 guilty of violation of stay order and directed him to deposit the complete consideration amount of the above noted sale deeds i.e. Rs.60,33,000/-. The defendant no. 1 was directed to deposit the entire consideration received from the defendants no. 3A-3C but he has failed to comply with the same. It is prayed that present application to deposit the subsistence allowance in terms of order dated 23.04.2026 be allowed.

Ld counsel for the non-applicant / defendant no.1 submits that they have applied for the certified copy of the order dated 23.04.2026 but have not received the same and after receiving certified copy they will file an appeal against it.

No receipt is filed by the non-applicant / defendant no.1 to show that they have applied for the order dated 23.04.2026.

Vide Para 18(i) of order dated 23.04.2026 this court have held non-applicant / defendant no.1 guilty of willful disobedience of the status quo and same is reproduced hereinbelow:

Para 18(i) : *“Defendant no.1 is held guilty of willful 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.”*

and now in compliance of order dated 23.04.2026, applicant / defendant no.2 has filed the present application for deposition of subsistence allowance, therefore, present application is **allowed**.

Issue warrant of arrest against the defendant no.1 for next date of hearing.

Ahlmad is directed to issue the warrant of arrest only after filing of PF and deposit of subsistence allowance by the defendant no.2 as it is sufficient for the subsistence of the defendant no.1 from the time of his arrest until he is brought before the court. PF be filed within 15 days.

Put up on **14.08.2026** for further proceedings.

(VIPIN KHARB)
District Judge-03/Shahdara
KKD Courts, Delhi
30.05.2026