

9 CS DJ ADJ 175/25  
UMA GUPTA Vs. SANTOSH SHARMA

15.09.2025

***Both regular stenographers are on leave today.***

Present: Sh. Pardeep Sehrawat, Ld. counsel for plaintiff.  
None for defendants.

Summons issued to defendants received back unserved with the report "refused" on 11.07.2025.

At this stage, Ld. counsel for plaintiff pressed upon his interim application under Order 39 Rule 1 & 2 CPC.

Submission heard. Record perused.

Briefly stated, present suit for specific performance of agreement to sell dated 01.10.2022 and 28.10.2022 for property bearing number B-88, out of Khasra No. 338, Revenue Estate of Village Bindapur, Delhi, Colony known as Vishwas Park, Uttam Nagar, New Delhi-110059 (hereinafter referred to as 'suit property') filed on behalf of plaintiff.

It is contented that, vide above agreement, defendant no. 1 agreed to sell suit property for total sale consideration of Rs. 53 Lakhs to the plaintiff out of which 11 Lakh was paid in cash and 42 Lakhs paid via transfer to the plaintiff. It is further submitted that plaintiff has strong apprehension that defendants may create third party right qua suit property which may frustrate entire objective of present suit.

It is well settled law that, for seeking interim relief, three ingredients i.e. *prima facie case, balance of convenience as well as irreparable loss* have to be met out in favour of the party seeking interim injunction.

Thus, in view of the submissions made on behalf of plaintiff and considering the facts and circumstances of the present case, this court is of the considered opinion that all above three ingredients required for the purpose of interim injunction are satisfied.

Hence, defendants are restrained to create any third party right qua suit property. Let status quo be maintained qua suit property till disposal of present matter. Application stands disposed off.

Put up for further proceedings on **18.12.2025**.

(SHILPI M JAIN)  
DJ-05 (SW)/Dwarka Courts  
New Delhi: **15.09.2025**