

19 CS DJ 763-25

RAKESH KHANNA Vs. ASHA DEVI AND ORS

06.10.2025

Present:- Sh. Aman Srivastava, Ld. Counsel for plaintiff.
Plaintiff through VC.

1. Summons sent to the defendants have been served to all the defendants through defendant no. 1 on 19.09.2025. None has appeared for defendant despite repeated calls today.
2. Statutory period to file WS is still left. Written statement be filed as per law.
3. Ld. Counsel for plaintiff has submitted that the present suit is a suit for specific performance of agreement to sell dated 22.03.2024 with respect to one-third right in terrace of the suit property from the predecessor of the defendants.
4. Ld. Counsel for plaintiff submits that the plaintiff has already paid amount more than mentioned in the agreement to sell and his case is for specific performance of the agreement as well as recovery of the excess amount.
5. Ld. Counsel for plaintiff has submitted that since defendants have not appeared despite repeated calls, the application under Order XXXIX Rule 1 and 2 CPC be heard.
6. Ld. Counsel for plaintiff has submitted that the defendant was engaged in the construction of the terrace as well as trying to create third party rights, he submits that status quo order be granted to protect the rights of the plaintiff.
7. Based upon the submissions of Ld. Counsel for plaintiff, it is clear that the plaintiff and the predecessor in interest of the defendants had entered into an agreement to sell dated

22.03.2024 with respect to the sale of the suit property. Photographs of the suit property showing construction being carried out in the suit property are also annexed with the plaint.

8. Thus, it appears that despite the existence of an agreement to sell in favour of the plaintiff, the defendants are engaged in construction on the suit property, thereby affecting the rights of the plaintiff.

9. In view of the same, let status quo be maintained till the NDOH.

10. Compliance of Order XXXIX Rule 3 CPC be done accordingly within 24 hours. Copy of this order be given dasti to plaintiff.

11. List on **27.11.2025**.

(Rahul Bhatia)
DJ-1 (South-East), Saket Court
New Delhi/06.10.2025(sk)