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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **FAO(OS) 3/2019**

DR HANS U NAGAR

.....Appellant

Through: Mr. Rajesh Yadav, Senior Advocate
with Mr. Amiet Andlay and Mr. Arun
K. Sharma, Advs.

versus

JOHN NAGAR & ANR

.....Respondent

Through: Mr. Anupam Lal Das, Sr. Adv with
Mr. Ujjwal Jha and Mr. Rohan Gupta,
Advs. for R-1 and R-2.

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

02.08.2024

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CM APPL. 43889/2024 & CM APPL. 43890/2024

1. Present applications have been filed by the Appellant / Applicant (Dr. Hans U. Nagar) seeking directions to restrain the Respondents Nos. 1 (John Nagar) & 2 (Ronald Nagar) from alienating any of the immovable properties that are the subject matter of the Memorandum of Understanding ("MOU") dated September 15, 2011 and the Consent Decree dated April 12, 2012, ("subject properties") till adjudication of the present appeal is complete.
2. Learned senior counsel for the Applicant (Dr. Hans U. Nagar) states that despite a direction from this Court *vide* Order dated July 22, 2021, wherein it was stated that any sale of the subject properties made in violation



of the Court's orders will be governed by the doctrine of *lis pendens*, the Respondent Nos. 1 and 2 have been engaged in illegal sale transactions of the Subject Properties.

3. Learned senior counsel for the applicant submits that the Apex Court in ***Chander Bhan (D) Through Lr. Sher Singh v. Mukhtiar Singh & Ors., Civil Appeal No. 2991/2024***, decided on 03rd May, 2024 has held that the object underlying the doctrine of *lis pendens* is for maintaining status quo that cannot be affected by an act of any party in a pending litigation.

4. Issue notice. Mr. Ujjwal Jha accepts notice on behalf of respondent Nos. 1 and 2. He prays for and is permitted to file a reply affidavit within four weeks. Rejoinder affidavit, if any, be filed before the next date of hearing.

5. List on 13th November, 2024.

ACTING CHIEF JUSTICE

TUSHAR RAO GEDELA, J

AUGUST 2, 2024

N.Khanna