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

+ **FAO 11/2026**

RAJIV JAIN AND ORS.

.....Appellants

Through: Mr. Sanjay Dewan, Senior Advocate
with Mr. Shyam Sunder Sharma, Mr.
Sanjeev Kumar Baliyan, Mr. Yash
Yadav, Mr. Nikhil Goel and Ms.
Himanshi, Advocates.

versus

SONIKA JAIN

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

% **17.01.2026**

CM APPL. 2894/2026 (exemption)

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

FAO 11/2026

1. By way of the present appeal filed under Order XLI Rule 1 read with Section 104 CPC, the appellants, who were the defendants in suit pending before the Trial Court, are aggrieved by the order dated 05.12.2025 passed by the learned District Judge-02, Central, Tis Hazari Courts, Delhi passed in CS DJ No. 13283/2016 titled "Sonika Jain Vs. Rajiv Jain & Ors", whereby, considering the facts noted therein, both the parties were directed to maintain *status quo*.
2. Mr. Sanjay Dewan, learned Senior Counsel appearing for the appellants, contends that the Trial Court erred in not appreciating that though both the parties had set up their claims over the suit property vide



their respective gift deeds, the appellants' gift deed, though unregistered initially, was later impounded vide orders dated 09.05.2014 and 25.08.2014 passed by this Court, and the stamp duty was paid. It is further contended that the appellants' gift deed is prior in time and that their title flows from the initial owner, *Sh. Manfool Singh Jain*, who had gifted the suit property to his daughter, *Smt. Padmawati Jain*, vide gift deed dated 18.04.1992, who in turn executed a registered will in favour of her daughter-in-law, *Smt. Babita Jain*, on 12.08.1996. Mr. Dewan further contends that while the gift deed is in the favour of the appellants, the suit property comprises of portions 890 to 892, consisting of the ground, first, and second floors, along with roof rights (property bearing number 890 staircase and two shops on ground floor and 891-A and 892 and upper floor at *Chatta Shahji Chwari Bazar, Delhi*), whereas the gift deed executed in favour of the respondent is with respect to portions including Shop Nos. 892 and 893 with rooms constructed on the first and second floors at *Chatta Shahji Chwari Bazar, Delhi*.

3. Mr. Dewan further contends that the appellant had initiated eviction proceedings against the tenant vide ARC No. 224/2017, which came to be allowed on 22.02.2024, whereby possession was directed to be handed over to appellant nos. 4(a) to 4(b). He submits that though RC.Rev. No. 229/2024 with respect to Shop No. 892 has been filed, the same is pending consideration. He thus submits that the Trial Court erred in granting *status quo* with respect to Shop No. 892. He states, on instructions, that as and when the appellants receive possession of Shop No. 892, the title and possession of the same will not be parted with during pendency of the suit.

4. Issue notice to the respondent through all permissible modes, returnable on 23.03.2026.



5. Needless to clarify, the impugned order will not come in the way of the appellants *qua* taking possession of Shop No. 892, subject to other pending proceedings, if any.

Dasti.

MANOJ KUMAR OHRI, J

JANUARY 17, 2026/rd