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

+ **CS(OS) 179/2014**

SURINDER SINGH REKHI

..... Plaintiff

Through: Mr.Anil Sharma, Mr.Shivesh Kaushik
and Mr.Arpit Sharma, Advocates.

Versus

DR. T.S. REKHI & ORS

.... Defendants

Through: Ms. Babit Seth, Advocate for D-2 (a)
and 2(b).
Ms.Keshri Kumar, Advocate for D-
2(c).
Mr. Jai Sahai Endlaw and Ms. Shruti
Kapur, Advocates for D-8(c).
Ms. Abhilasha Nautiyal,
Ms.Aishwarya Kane and Ms.Chhavi
Tokas, Advocates for D-9.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

% **17.02.2025**

I.A. 30050/2024 (by defendant no.9 seeking directions)

1. Defendant no.9 in the instant application prays for the following relief:-

“a) Pass an order permitting Defendant No. 9 / Applicant to execute registered document(s) releasing/conveying her undivided share in each of the Suit Properties, being 211 Jor Bagh, New Delhi-110003 and C-16 Nizamuddin East New Delhi in favour of Defendant No. 8 (c), Mr. Sonny Sarna and Defendant No. 8 (c) shall be bound by the outcome of the present legal proceedings.”



2. Learned counsel appearing on behalf of for defendant No 9 submits that the she is the daughter of Late Mr. N.S. Rekhi, and the maternal aunt of defendant No. 8(c), Mr. Sonny Sarna. Learned counsel further submits that defendant No. 8(c), Mr. Sonny Sarna is the grandson of Late Mr. N.S. Rekhi. It is submitted that Late Mr. N.S. Rekhi passed away intestate, and his estate includes the suit properties. Defendant No. 9, being one of the legal heirs of the deceased, is entitled to an undivided share in the said properties.

3. Learned counsel further submits that defendant No. 9 has agreed to release and convey her share in the suit properties in favour of defendant No. 8(c). Defendant No. 9, presently aged about 79 years, wishes to transfer her right, title, and interest in the suit properties during her lifetime to her nephew, defendant No. 8(c), Mr. Sonny Sarna. Learned counsel further submits that defendant No. 8(c) has agreed to receive the undivided share of defendant No. 9 and shall remain bound by the outcome of the present legal proceedings.

4. Learned counsel for the plaintiff submits that there is no objection to the prayer made on behalf of defendant No. 9 in the instant application. However, learned counsel appearing for defendant Nos. 2(a), 2(b), and 2(c) strongly opposes the said prayer. She contends that the property in question has already been sold to defendant No. 8(c), Mr. Sonny Sarna, and the sale deed has been executed. It is further submitted that allowing the present application would lead to multiplicity of litigation and cause serious prejudice to defendant Nos. 2(a), 2(b), and 2(c).



5. Learned counsel for defendant No. 8(c) indicates through certain documents that the rights of defendant no.9 over the property have already been transferred in favour of defendant No. 8(c). On the other hand, learned counsel for defendant No. 9 contends that a part of the property was indeed transferred to defendant No. 8(c) in the year 1988. However, since defendant No. 9 now wishes to release/relinquish her entire rights over the property during her lifetime, the present application has been filed seeking permission for the same.

6. Heard learned counsel appearing on behalf of respective parties.

7. The Court observes that in the present application, defendant No. 9 seeks permission to execute registered document(s) releasing/conveying her undivided share in the Suit Properties, namely, 211, Jor Bagh, New Delhi-110003, and C-16, Nizamuddin East, New Delhi, in favor of defendant No. 8(c), Mr. Sonny Sarna.

8. The aforesaid request stands allowed, subject to the rights and contentions of defendant Nos. 2(a), 2(b), and 2(c) being expressly reserved, with the clarification that the aforesaid transfer shall ultimately remain subject to the final adjudication of the present proceedings. Furthermore, defendant No. 8(c) is restrained from creating any third-party rights over the properties in question. In any case, as the transfer is *inter se* between the defendants, the doctrine of *lis pendens* under Section 52 of the Transfer of Property Act, 1882, shall remain applicable.

9. In view of the foregoing reasons and while expressly reserving the rights and contentions of defendant Nos. 2(a), 2(b), and 2(c), the permission as sought, is granted.



10. The application stands disposed of.

FEBRUARY 17, 2025

Nc/sp

PURUSHAINdra KUMAR KAURAV, J

Click here to check corrigendum, if any