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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 and Mr. Arpit
Sharma, Advs.

versus

DR. T.S. REKHI & ORS

.....Defendants

Through: Ms. Babita Seth with Mr. Sanju and
Ms. Priyanka, Advs for D-2(a) and
2(b).

Mr. Bharat Garg, Ms. Surabhi Pandey
and Ms. Archana Garg, Advs for
D3(a).

Ms. Abhilasha Nautiyal and Ms.
Chhavi, Advs for D-7.

Mr. Jai Sahai Endlaw, Ms. Shruti
Kapur and Ms. Sagarika Kaul, Advs
for D-8c and D-8e.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER

% **24.03.2025**

I.A. 30049/2024 (SEEKING DIRECTIONS BY DEFENDANT NO.7)

1. Having heard learned counsel appearing for the applicant in the instant application, the Court finds that the submissions made by the learned counsel appearing for defendant nos. 2a and 2b need to be duly considered.
2. The learned counsel for defendant nos. 2a and 2b contend that this order shall not be construed as a determination of the rights of the parties to



the extent stated in the application.

3. The Court re-emphasizes that allowing the instant application shall not be construed as a final determination of the rights of any party, whether to the extent stated in the application or otherwise. The same shall remain strictly subject to final adjudication of the civil suit.

4. The Court also takes note of the fact that on 17.02.2025, while allowing the application filed by one of the parties, the following observations were made in paragraph no. 8 of the said order :

“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.”

5. Taking into consideration the overall facts and circumstances, the Court finds it just and proper to allow the instant application in terms of the prayer made therein. However, it is further directed that the aforesaid transfer shall ultimately remain subject to the final adjudication of the further proceedings. Furthermore, defendant no.8c is restrained from creating any third-party right in the property in question.

6. 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.

7. With the aforesaid application, the instant application stands disposed of.



I.A 7580/2025 (BY DEF. 3 (A)- SEEKING DIRECTIONS – TO EXECUTE REG. DOC.’S IN FAVOUR OF DEF. 8 (C))

8. Heard.
9. Issue notice.
10. Learned counsel appearing on behalf of the defendant nos. 2a and 2b accepts notice. Let a complete set of applications along with all documents, if any, be supplied during the course of the day.
11. It be noted that except defendant nos. 2a and 2b, none of the parties has any objection in respect to the instant application.
12. Let defendant nos. 2a and 2b to take instructions and to file reply within six weeks.
13. List this application for consideration on 22.08.2025.

I.A. 24061/2023 (U/O XII R.6 CPC BY DEFENDANT NOS.2 (A) AND 2(B)- FOR PASSING A PRL. DECREE OF PARTITION.)

14. Heard.
15. Issue notice.
16. Learned counsel appearing for the plaintiff and remaining defendants as aforementioned accept notice respectively. Let them file their reply within six weeks.
17. List this application on 22.08.2025.

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18. List this matter on 22.08.2025.

PURUSHAINdra KUMAR KAURAV, J

MARCH 24, 2025

aks/sph/mjo

Click here to check corrigendum, if any