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

+ **RFA 579/2022**

HARJEET KAUR

.....Appellant

Through: Mr. Abhinav Bajaj and Mr. Saksham
Ojha, Advocates.

versus

SARDAR BHUPINDER SINGH & ANR.

.....Respondents

Through: Counsel for respondents (Appearance
not given).

+ **RFA 289/2023**

HARJEET KAUR

.....Appellant

Through: Mr. Abhinav Bajaj and Mr. Saksham
Ojha, Advocates.

versus

SURINDER SINGH & ANR.

.....Respondents

Through: Counsel for respondents (Appearance
not given).

CORAM:

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

21.01.2025

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[Physical Hearing/Hybrid Hearing (as per request)]

**CM APPL. 42130/2024 (application under Order I Rule 10(2) CPC) in
RFA 579/2022**

**CM APPL. 42133/2024 (application under Order I Rule 10(2) CPC) in
RFA 289/2023**

1. These applications were filed on behalf of appellant seeking deletion of respondent Sh. Surinder Singh. After addressing partly, learned counsel for appellant on instructions seeks permission to withdraw these applications and take appropriate steps to serve notice on Sh. Surinder Singh. The



applications are dismissed as withdrawn.

CM APPL. 49507/2022 (stay) in RFA 579/2022
RFA 289/2023

2. RFA 579/2022 has been filed by the appellant Harjeet Kaur to assail judgment and decree of recovery for possession of the immovable property and *mesne* profits. The said impugned judgment and decree was passed in the suit filed by respondent no. 1 Sh. Sardar Bhupinder Singh, who had purchased the subject property from husband of the appellant. The husband of the appellant has been impleaded as respondent no. 2 but till date, no serious efforts are being done to serve notice on him, under the pretext that he is living abroad. Rather, as mentioned above, the appellant even moved an application to seek deletion of respondent Sh. Surinder Singh from array of parties, despite the admitted case of both sides that it is Sh. Surinder Singh who was registered owner of the subject property and sold away the same to Sardar Bhupinder Singh.

3. The other appeal RFA 289/2023 has been filed by the appellant Harjeet Kaur to assail the judgment and decree whereby her suit for declaration and injunction was dismissed. The declaration sought was that the sale deed executed by respondent Sh. Surinder Singh in favour of Sardar Bhupinder Singh is void and that she is the absolute owner of the subject property.

4. It appears that vide order dated 26.07.2023, the predecessor bench directed that parties would maintain status quo as regards title, possession, nature and character of the subject property till next date. That order continues on date to date basis. As reflected from order dated 26.07.2023, the protection as regards possession of the subject property was granted to



the appellant keeping in mind the submissions that she had a right of residence in the subject property and her status was as a creditor for maintenance from her husband.

5. Learned counsel for respondent Sardar Bhupinder Singh objects to continuance of interim protection on the ground that till date, no *mesne* profits have been deposited or paid by the appellant.

6. On account of paucity of time and due to heavy board of this Court, detailed arguments on interim relief cannot be heard. But as regards objection of learned counsel for respondents, I find substance that so far as the protection of possession is concerned, the appellant is enjoying the same but so far as monetary part of the impugned decree is concerned, she has not deposited any amount in court.

7. Keeping in mind the purpose behind Order XLI Rule 1 CPC and also keeping in mind the above circumstances, operation of the impugned judgement and decree in both cases shall remain stayed till next date subjects to the appellant depositing the complete decretal amount with the Registry of this Court within four weeks. It is made clear that if the said amount is not deposited within the said period, there shall be no further protection and the respondents shall be at liberty to seek execution of the decree impugned in RFA 579/2022.

8. Relist on 23.07.2025.

GIRISH KATHPALIA, J

JANUARY 21, 2025/v

[Click here to check corrigendum, if any](#)