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

+ CS(OS) 224/2020, CRL.M.A. 563/2023, I.A. 7226/2020, I.A. 9342/2020, I.A. 11901/2020, I.A. 11902/2020, I.A. 11903/2020, I.A. 9537/2022, I.A. 7379/2023, I.A. 42553/2024

MRS. RAJBALA SAIN AND ORS

.....Plaintiffs

Through: Mr. Vaibhav Sharma, Adv.

versus

MR. C.L. SAIN AND ORS

.....Defendants

Through: Ms. Nidhi Mehrotra, Mr. Pradeep Sain and Mr. Shivam Bhandari, Advs. for D-1 & 10.
Ms. Rajul Jain and Ms. Poorvi, Advs. for D-5.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER

% **28.08.2025**

I.A. 11906/2020 (filed on behalf of defendant No.1 seeking discharge, Vacation, modification of the status quo order dated 24.08.2020)

1. Heard learned counsel appearing for the parties.
2. Learned counsel appearing for defendant No.1 submits that defendant No.1 does not intend to create any third party right, however, he submits that defendant No.1 be allowed to raise the constructions subject to his own risk and cost.
3. Under these circumstances, the Court deems it appropriate to modify the order dated 24.08.2020 to allow defendant No.1 to raise constructions, however, subject to the outcome of the instant civil suit and no third party



right shall be created in respect of the possession/title over the property.

4. It be stated that eventually if the plaintiff succeeds, the property will be partitioned as per the right determined by the party and defendant No.1 shall not claim any special equity.

5. Application stands disposed of.

CS(OS) 224/2020, CRL.M.A. 563/2023, I.A. 7226/2020, I.A. 9342/2020, I.A. 11901/2020, I.A. 11902/2020, I.A. 11903/2020, I.A. 9537/2022, I.A. 7379/2023, I.A. 42553/2024

6. Pleadings *qua* the pending applications be completed.

7. List this matter before the Joint Registrar on 18.11.2025.

8. Thereafter, list the matter before the Court on the date to be assigned by the concerned Joint Registrar.

O.A. 40/2023 (filed on behalf of the appellant against the order dated 09.11.2022)

9. It appears that order dated 09.11.2022 was passed on the premise that the proxy counsel on behalf of defendant No.1 did not raise any objection to the document filed by the plaintiff along with the replication.

10. Learned counsel appearing for the appellant in OA submits that she be granted one indulgence to make her position clear with respect to the admission/denial of the said document.

11. Under the peculiar facts and circumstances and in view of the reason explained by her that the document in question was enclosed with the replication and no sufficient opportunity was given to defendant No.1, the Court in the interest of justice, set aside the order dated 09.11.2022 to that respect and allows appellant to take the position with respect to admission/denial of the said document.



12. OA stands disposed of.

PURUSHAINdra KUMAR KAURAV, J
AUGUST 28, 2025/P/SPH