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

+ **CONT.CAS(C) 853/2023 & CM APPL. 32422/2024**

ATUL SHARMA

..... Petitioner

Through: Mr. M. Sufian Siddiqui, Mr. Rakesh Bhugra, Mr. Md. Niyazuddin and Ms. Alya Veronica, Advs.
M: 9873344786

versus

**HARENDRA KR SINGH DCP-OUTER DISTRICT
& ORS.**

..... Respondents

Through: Mr. N.S. Dalal, Mr. Alok Kumar, Ms. Rachana Dalal, Ms. Sweta Kadyan and Mr. Karan Mann, Advs. for R-3.
M: 9990650484
Email: chamberofnsdalal@gmail.com

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER
28.05.2024

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CM APPL. 32422/2024

1. The present application has been filed with the following prayer:

“a. Declare the contemptuous transaction viz. Sale Deed dated: 17.03.2023 registered on 23.03.2023 executed by respondent no.3 herein in favour of respondent no.4 herein apropos the property in question as non-est & nullity for it being concededly executed in brazen defiance of the status quo order dated: 26.04.2022 and the Undertaking dated: 10.11.2022 tendered by the respondent no.3 herein in CS SCJ 596/22 titled ‘Atul Sharma & Anr. vs Ramesh Chandra Sharma’ duly recorded in the order dated: 10.11.2022 passed by the court of Ld. Civil Judge-03, West District, Tis Hazari Courts, Delhi; to maintain the majesty of law in consonance with the law laid down by the Hon’ble Apex Court in ‘Balwant Bhai Somabhai Bhandari vs Hiralal Somabhai Contractor (Deceased) Rep. by LR’s & Ors.’ judgment dated: 06.09.2023 cited as [MANU/SC/0985/2023]; and”



2. Learned counsel appearing for the petitioner submits that a sale deed has been executed by respondent no.3 in favour of respondent no.4, in violation of the *status quo* order, passed vide order dated 26th April, 2022, by the learned Trial Court and the undertaking dated 10th November, 2022 given by the respondent no.3 before the Trial Court, in case bearing no. CS SCJ 596/2022, titled as ***Atul Sharma & Anr. Versus Ramesh Chandra Sharma***.

3. He submits that any sale which has been carried out, in violation of the *status quo* order, would be non-est and a nullity, and a contempt court has the authority to declare it so, in terms of the Supreme Court judgment, on which he is relying upon.

4. Per contra, learned counsel appearing for respondent no.3 submits that the present application is an abuse of process of law. He submits that respondent no.3 is the father (aged 93 years), while the petitioner is the son.

5. He submits that it is an admitted fact that respondent no.3 is the owner of the land in question. He submits that in the injunction suit filed on behalf of the petitioner against the respondent no.3, the only order that has been passed, is that the petitioner herein shall not be dispossessed, without following the due process of law.

6. Learned counsel appearing for the respondent no.3 submits that the petitioner has not been dispossessed, and that the sale deed has been executed by respondent no.3 in favour of respondent no.4, on 'as is where is' basis. He further submits that the petitioner is still continuing occupation of the land in question, as the same has been given by the purchaser, i.e., respondent no.4 to the petitioner.



7. Let all the facts be brought forth by the respondent no.3. An affidavit shall be filed, along with the requisite documents, within a period of four weeks.
8. Rejoinder thereto, if any, be filed within two weeks, thereafter.
9. Re-notify on the date already fixed, i.e., 05th July, 2024.

MINI PUSHKARNA, J

MAY 28, 2024/kr