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

+ **CS(OS) 320/2025**

NAVNITYA PARKASH GOYAL

.....Plaintiff

Through: Mr. Sanjeev Goyal, Ms. Shruti Bansal, Mr. Ashutosh Singh and Mr. Anand Sen, Advs.

versus

SWATI JAIN & ORS.

.....Defendants

Through: Mr. Ashish Gupta, Adv for D-1 and 2 (Thr. VC)
Mr. Anupam Singh and Mr. Sushmit Mishra, Advs for D-3.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

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16.10.2025

I.A. 12765/2025 (FOR INJUNCTION)

1. Heard learned counsel for the parties on the instant application.
2. Mr. Sanjeev Goyal, learned counsel for the plaintiff and Mr. Anupam Singh, learned counsel for the defendant no. 3 made their submissions.
3. As per the case set up by the plaintiff, the agreement to sell was executed on 14.02.2024 and out of total consideration of about Rs. 8 crores, Rs. 7.8 crores was paid to the defendant no.1.
4. On the other hand, Mr. Anupam Singh, learned counsel who appears for the defendant no.3 contends that the equitable mortgage was created in favour of the defendant no.3 before execution of the aforesaid agreement on



31.01.2024. He, thus, submits that on the date of execution of the agreement, the property stood mortgaged in favour of defendant no.3, and defendant no.1 could not have conferred any legal right in favour of the plaintiff.

5. It is, thus, seen that as of now the dispute which requires to be adjudicated is whether the property was already mortgaged before the agreement to sell was executed or the mortgage had taken place after execution of the agreement to sell.

6. In any case, till the aforesaid issue is decided, the status *quo* with respect to property in question is required to be maintained by defendant nos. 1 and 2.

7. Accordingly, the defendant nos. 1 and 2 are hereby restrained from creating any further rights *qua* the suit property. The dispute with respect to the plaintiff no.3 *qua* the mortgage of the property is concerned, the same will have to be looked into after extending an opportunity of hearing to the parties.

8. List this application on 23.02.2026.

I.A 26023/2025 (BY DEF. 3- O VII, R 11- TO DISMISS THE SUIT)

9. The reasons for invoking of provisions under Order VII Rule 11 of the Code of Civil Procedure, 1908 (CPC) as stated in the instant application are concerned, the same will have to be looked into during the course of Trial. However, at this stage, the averments made in the plaint will have to be seen. As per the pleaded case, the cause of action has clearly arisen.

10. Under these circumstances, reserving all rights and contentions to be raised by defendant no.3, as raised in the herein, the instant application stands disposed of.



CS(OS) 320/2025 and I.A. 12766/2025, I.A. 23736/2025 ,I.A. 24134/2025

11. Learned counsel appearing for defendant nos. 1 and 2 submits that the arguing counsel is not available and prays for adjournment.
12. Accordingly, acceding to the aforesaid request, list this matter on 23.02.2026.

PURUSHAINDR KUMAR KAURAV, J

OCTOBER 16, 2025

aks/sph