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

+ **CS(OS) 500/2021**

GAYATRI VARMA & ANR.

.....Plaintiffs

Through: Mr. Vikrant Nilesh Goyal, Mr. Yash Basoya, Mr. Inderpreet Singh and Mr. Kunal Dixit, Advs. for P-1.
Mr. Kuljeet Rawal and Mr. Aditya Joshi, Advs. for P-2.

versus

SUNITA MADHOK & ORS.

.....Defendants

Through: Mr. Kuldeep Singh and Mr. Shubham Singh, Advs. for D-1.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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27.03.2026

I.A. 8342/2026 (under Section 151 r/w Section 94 CPC by P-2 for stay)

1. The present application has been filed by plaintiff no.2 under Section 151 CPC read with Section 94 CPC.
2. Mr. Kuljeet Rawal, learned counsel for plaintiff no.2/applicant submits that the suit was filed by the plaintiffs praying for decree of partition.
3. This Court *vide* order dated 12.10.2021 had restrained the parties from creating any third party interest in the suit property being property no. C-76, South Extension, Part-2, New Delhi till the next date, which interim protection had continued thereafter.
4. He submits that notwithstanding said restraint order, it appears that



defendant no.1 has sold the suit property in favour of Sh. Abhinav Srivastava son of Sh. Dharendra Pratap Srivastava (non-applicant no.2).

5. He submits that the father of the non-applicant no.2 is the Joint Managing Partner of the Law Firm which was representing defendant no. 1. He submits that when the preliminary decree was passed by this Court on 26.02.2026 and the Local Commissioner was appointed to suggest as to whether the suit property can be partitioned by metes and bounds amongst the parties to the suit, the factum of sale was not brought to the notice of this Court.

6. In view of the above, issue notice. Mr. Kuldeep Singh, learned counsel for defendant no.1 accepts notice.

7. On plaintiff no.2/applicant taking steps, notice be issued to Sh. Abhinav Shrivastava/non-applicant no.2, by all permissible modes, returnable on 30.04.2026.

8. In the backdrop of aforesaid circumstances, I am of the view that the plaintiffs have made out a *prima facie* case for restraining the non-applicants from creating any third party interest. The balance of convenience is also in favour of the plaintiff.

9. I am satisfied that the plaintiffs will suffer an irreparable loss and injury if third party interest is created in the suit property before the next date.

10. In view of the above, the non-applicant nos. 1 and 2 are directed not to create any third party interest in the suit property, till the next date.

11. Having regard to the peculiar facts and circumstances of the present case, the Registry/Sub-Registrar SR (V)A is also directed not to register any document of any nature related to non-applicant nos. 1 and 2 pertaining to



the suit property i.e. C-76, South Extension, Part-2, New Delhi, till the next date.

12. Provisions of Order XXXIX Rule 3 CPC be complied with *qua* non-applicant no.2 within a period of one week from today and affidavit of compliance be filed within a period of three days thereafter.

13. The non-applicants may file reply to the application within four weeks on receipt of notice. Rejoinder thereto, if any, be filed within a period of three weeks thereafter.

VIKAS MAHAJAN, J

MARCH 27, 2026/dss