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

+ **CS(OS) 662/2021**

ASHA & ORS.

.....Plaintiffs

Through: Mr. Brijesh Yadav and Mr. Chirag
Verma, Advocates.

versus

RAJBALA & ORS.

.....Defendants

Through: Mr. Shivanshu Bhardwaj, Advocate
for the Applicant/ proposed D-6.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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27.05.2025

**I.A. 13674/2025 (on behalf of proposed Defendant No. 6 seeking
modification/ clarification of order dated 08th December, 2021)**

1. The present application has been moved by Mr. Suresh Kumar, the Applicant/proposed Defendant No. 6, seeking modification/ clarification of the interim order dated 08th December, 2021, whereby this Court, while issuing summons in the suit, passed an ad-interim *ex-parte* interim direction in the application under Order XXXIX Rule 1 & 2 read with Section 151 of the Code of Civil Procedure, 1908 [LA. 16232/2021], directing the parties to maintain *status quo* in respect of the suit property.
2. The Applicant submits that he is the owner in possession of a specific share in the suit property and, therefore, seeks permission to use and enjoy the same, notwithstanding the subsisting *status quo* order.
3. Having considered the averments made in the application, this Court is of the view that no case is made out for modification or clarification of the



interim order, at this stage. It is an admitted position that the Applicant was not a party to the suit when the interim order dated 08th December, 2021 was passed. In such circumstances, the Applicant cannot seek recognition of any ownership or possessory rights over the suit property under the guise of a clarification. This Court, while considering a request for modification of an interim order, cannot embark upon a determination of substantive rights that remain unadjudicated in the main suit. Questions relating to title or possession cannot be incidentally addressed on the basis of averments in an application for modification, particularly where the Applicant has not yet been formally impleaded in the proceedings. Should the Applicant be impleaded as a party to the suit, he would be at liberty to raise all grounds available to him, at the appropriate stage, including during arguments on the interlocutory application, or by seeking vacation or variation of the interim order, in accordance with law.

4. In view of the above, no modification or clarification of the interim order dated 08th December, 2021 is warranted. It is clarified, however, that since the Applicant was not a party to the suit at the time when the *status quo* order was passed, his alleged rights of ownership or possession were neither considered nor adjudicated upon.

5. The Applicant shall be at liberty to pursue appropriate remedies, in accordance with law, for the enforcement of such rights, if so advised.

6. With the aforesaid observations, the present application stands disposed of.

SANJEEV NARULA, J

MAY 27, 2025/d.negi