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

+ **CS(OS) 526/2024**

MRS KALPANA VASUDEVA

.....Plaintiff

Through: **Mr. Kunal Sinha, Adv.**

versus

MRS MEENAA BERRY & ANR.

.....Defendants

Through: **Mr. Raghav Sabharwal and Mr. Harsh Vardhan Singh, Advs for D-1.**
Mr. Nitesh Kumar Chaurasia and Mr. Rakesh Kumar, Advs. for D-2.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

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13.08.2025

I.A. 19777/2025 (BY DEFENDANT NO. 2 – FOR PARTIAL VACATION OF THE ORDER DT. 10.07.2025 TO REGISTER A CONVEYANCE DEED TO PREVENT THE PROPERTY TO BE LIQUIDATED)

1. Heard learned counsel for the parties on the instant application.
2. Learned Counsel for the Plaintiff has expressed apprehension that, in view of the Order dated 16.11.2024 passed by the National Company Law Tribunal (NCLT), the property in question may not be registered in the name of Defendant No. 2.
3. Learned Counsel for Defendant No. 1 has submitted that the property in question should not be exclusively registered in the name of Defendant No. 2. It is further submitted that Defendant No. 1 is the executor of the Will pertaining to the said property
4. Having considered the submissions advanced by the Learned Counsel



for both parties, this Court has perused the interim Order dated 10.07.2024, specifically paragraphs 18 and 19 thereof, which read as under:-

*“18. In this backdrop, I am of the view that the plaintiff has made out a prima facie case for grant of limited ad-interim relief of status-quo till the next date. I am also satisfied that the balance of convenience is in favour of the plaintiff and he will suffer an irreparable loss and injury if third party interests are created by the defendants, as apprehended by the plaintiff, in the suit property before the next date. The parties are, therefore, directed to maintain status quo as to the title and possession of the suit properties as enumerated in para 7 of the plaint, till the next date.
19. Provisions of Order XXXIX Rule 3 CPC be complied with qua the defendants within ten days from today and affidavit of compliance be filed within a period of three days thereafter.”*

5. The instant suit seeks partition of the estate of the parents of the parties. It is seen that the subject property was allotted by the Construction Company in the names of the parents of the parties, including Defendant No.

2.

6. The question of entitlement and the respective proportions thereof shall be adjudicated in the course of trial.

7. However, in the interests of justice, this Court clarifies that the interim order dated 10.07.2024 shall not constitute an impediment to the registration of the said property in the name of Defendant No. 2, provided no other restrictions apply. The same, however, shall be without prejudice to the rights and contentions raised by the parties in the civil suit.

8. However, defendant no.2 is restrained from creating any further third-party rights.

9. With the aforesaid directions, the instant application stands disposed of.

PURUSHAINDR KUMAR KAURAV, J

AUGUST 13, 2025/aks/sp