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

+ **FAO 222/2024**

MS SINDHU JHA

.....Appellant

Through: Mr. Praveen Suri, Advocate.

versus

SH MOHINDER SINGH AND ANR

.....Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

% **18.07.2024**

CM APPL. 39969/2024 (exemption)

Exemption allowed, subject to all just exceptions.

FAO 222/2024 & CM APPL. 39968/2024(stay) & CM APPL. 39970/2024

1. Appellant is defendant No. 2 before the learned Trial Court.
2. The plaintiff had filed a suit for possession and injunction and claimed that the defendants were unauthorized occupants of the property that was co-owned by him. He also prayed for interim injunction.
3. In response to the above suit, defendant No. 2 (petitioner herein) filed reply, claiming that she had purchased the property from the rightful owner i.e. the brother of the plaintiff-Mr. Mohinder Singh. Such Sale Deed was duly registered through Attorney.
4. It is contended by the learned counsel for petitioner that, in view of the fact that there was a registered Sale Deed, the appropriate course for the plaintiff was to have filed appropriate suit seeking cancellation of such Sale

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Deed instead of pursuing the present petition. It is contended that the learned Trial Court also did observe about the maintainability of the Suit and even gave liberty to the plaintiff to take appropriate steps for amending the proceedings at the earliest. Despite the fact that defendant No. 2 is owner of the suit property by virtue of a registered Sale Deed, there is a direction that he would not create any third party interest or transfer its title and possession till further orders.

5. Mr. Suri, learned counsel for petitioner also informs that an application under Order VI Rule 17 CPC has been moved by the plaintiff along with an application under Order I Rule 10 CPC.

6. None has appeared for the respondent on advance notice.

7. Issue notice through all permissible modes, returnable on 19.09.2024. Notice be also issued through counsel.

MANOJ JAIN, J

JULY 18, 2024/sw