



2026:DHC:1617

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

+ **CS(OS) 685/2022, I.A. 18192/2022**

GOPAL KRISHAN SRIVASTAVA Plaintiff

Through: Mr.Pankaj Vivek, Mr.Atul Tripathi
and Mr.Himanshu Chugh, Advts.

versus

M/S LAKRAS INFRACON PVT. LTD. & ORS. Defendants

Through: Mr.D.K.Rustagi and Mr.J.Karan
Malhotra, Adv. for D-1 to D-3.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

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14.05.2024

Defendants no.1 and 2 have filed the counter claim against the plaintiff for specific performance of agreement to sell dated 12.07.2010 and mandatory injunction with the following prayer:

(a) Pass a decree for specific performance of the Agreement to Sell dated 12.07.2010, in respect of the said suit plot, i.e., property bearing Plot No. 121, Pocket-7, Block-B, Sector-23, Dwarka Residential Scheme, Phase-II, New Delhi, admeasuring 209 sq. mtrs., thereby directing the Original Plaintiff to get the perpetual lease deed executed in respect of the said suit plot and subsequently the conveyance deed and, thereafter, the sale deed in respect of the suit plot in favour of the Counter Claimant No.1 as per the terms of the Agreement to Sell dated 12.07.2010.

Issue notice. Mr.Pankaj Vivek, learned counsel for plaintiff has accepted the notice.

List before the Joint Registrar (Judicial) on 04.07.2024 for completion of the pleadings in the counter claim.



2026:DHC:1617

I.A. 18192/2022 (Order XXXIX R 1 AND 2 CPC)

Present application has been filed under Order XXXIX Rules 1 and 2 CPC.

Learned counsel for defendants states that defendants are in possession of the suit property i.e. property bearing Plot No. 121, Pocket-7, Block-B, Sector-23, Dwarka Residential Scheme, Phase-II, New Delhi, admeasuring 209 sq.mtrs.

Learned counsel for the defendants submits that the defendants have also filed counter claim for specific performance of the Agreement to Sell dated 12.07.2010.

Learned counsel for the defendants states at bar, on instructions, that that any third party interest will not be created in the suit property without permission of this court till the disposal of the suit. Learned counsel also submits that the defendants will not transfer or alienate the possession of the suit property without permission of this court.

Learned counsel submits in view of the submissions made, this application may be disposed of with appropriate order.

In view of the submissions made, the parties are directed to maintain status quo regarding the suit property i.e. property bearing Plot No. 121, Pocket-7, Block-B, Sector-23, Dwarka Residential Scheme, Phase-II, New Delhi, admeasuring 209 sq. mtrs. till the further orders. If need arises, the parties may approach the court.

With the above directions, the application stands disposed of.

DINESH KUMAR SHARMA, J

MAY 14, 2024/rb /aj