



\$~O-15

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

+ **CS(OS) 1181/2005**

M/S AKN DEVELOPERS P. LTD. & ANRPlaintiffs

Through: Mr. Ravi Gupta, Sr. Advocate with
Mr. Swastik Singh, Mr. Rajesh
Bansal, Mr. Atul Singh, Mr.
Himanshu Dagar, Ms. Muskan Mehra
and Mr. Shreshth Raj Srivastava,
Advocates.

versus

MOHINDER KEHARDefendant

Through: Mr. Vidit Gupta, Advocate for LRs of
defendant and Applicant – Praveen
Jain in IA 11185/2022.
Mr. Sukant Vikram with Mr. Kumar
Shashwat, Advocates for applicant –
Skyland Builders Pvt. Ltd.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

%

20.08.2025

I.A. 11789/2018 (filed by defendant u/S 151 CPC for dismissal of the suit)

1. Heard learned counsel for the parties on the instant application which is for dismissal of the suit on the ground that plaintiff no.2 has passed away and his legal heirs have not been brought on record.
2. The Court has perused the order dated 29.09.2006 and it would appear that the transposed plaintiff no.2 since has expired whereas, plaintiff no.1



who was the nominee under plaintiff no.2 is still desirous to continue the suit, therefore, the application has no merit and deserves to be dismissed.

3. It is also noted that *vide* order dated 29.09.2006, the Court has extensively considered the rights of the plaintiffs *qua* the relief prayed in the instant civil suit.

4. The application stands disposed of.

I.A. 12216/2018 (filed by the plaintiffs u/O XXII R 1 & 2 r.w. S. 151 CPC)

1. In view of the order passed *qua* I.A. 11789/2018, the instant I.A. also deserves to be disposed of, while allowing the deletion of plaintiff no.2 and permitting the plaintiffs to file a fresh memo of parties.

2. Let the fresh memo of parties be placed on record accordingly within seven days from today.

3. The application stands disposed of.

I.A. 17230/2018 (u/O I R 10 r.w. S. 151 CPC)

1. On the instant application also learned counsel appearing for the parties have been heard.

2. In the instant application, the applicant - M/s Skyland Builders Pvt. Ltd. states that it had purchased the suit property *vide* sale deed dated 21.01.2015. It is for the aforesaid reason the applicant seeks for its impleadment.

3. The Court, however, takes note of the order dated 31.08.2005, whereby the defendants were restrained from creating any third party right. Under these circumstances, the principle of *lis pendence* will have full application. Even otherwise the provisions of Section 19(1)(b) of the Specific Relief Act, 1963 would entitle the plaintiffs to continue with the



instant civil suit without impleading the subsequent purchaser in view of the order passed by this Court.

4. Under these circumstances, the Court does not find it appropriate to allow the instant application. Accordingly, the application is dismissed.

I.A. 9606/2019 (u/O XXII R 10 r.w. S. 146 and 151 CPC)

1. Learned counsel who appears for the LRs of Mahinder Kehar submits that the sale deed dated 21.01.2015 was also challenged in a Court of competent jurisdiction and on dismissal of the civil suit, the matter is pending in appeal.

2. For the same reasons recorded for deciding I.A. 17230/2018, the instant I.A. also deserves to be dismissed.

3. Accordingly, the application is dismissed.

I.A. 11185/2022 (u/O XXII R 4 and 10 r.w. S. 151 CPC)

1. The instant application has to be dismissed in view of the findings rendered in I.A. 11789/2018.

2. Accordingly, the application is dismissed.

I.A. 8081/2018 (u/O XXXIX R 2A r.w. S. 151 CPC)

1. The instant application stands withdrawn in view of the fact that the proposed contemnor has expired.

2. The application is disposed of.

I.A. 9090/2014 (u/S 33 r.w. S. 35 of Indian Stamp Act, 1899)

1. The averments made in the instant application will require the parties to adduce the evidence (oral and documentary).

2. Depending upon the same, the Court will have to render the finding. Reserving all rights and contentions, at this stage, the application stands disposed of.



I.A. 6747/2016 (u/S 151 CPC)

The instant application has rendered infructuous and is disposed of.

I.A. 8782/2023 (u/S 151 CPC)

The instant application also stands disposed of in view of the decision rendered in I.A. 11789/2018.

CS(OS) 1181/2005 & I.A. 24187/2015

Let the matter be listed before the Joint Registrar on 09.09.2025 for taking further steps in accordance with the extant rules.

PURUSHAINDR KUMAR KAURAV, J

AUGUST 20, 2025

tr/mj