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

+ CS(OS) 540/2025, I.A. 16635/2026 & I.A. 16636/2026

SH. AKSHAY & ORS.

.....Plaintiffs

Through: None.

versus

MS. MAMTA & ORS.

.....Defendants

Through: Mr. Rajinder Juneja, Adv. (Through
VC)

Mob: 9711219976

Email: legalchamber@gmail.com

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

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03.07.2026

I.A. 16635/2026

1. The present application has been filed on behalf of defendant no. 1, under Section 151 of the Code of Civil Procedure, 1908 ("CPC"), seeking modification of the order dated 10th February, 2026 passed by this Court.

2. Learned counsel appearing for defendant no. 1 submits that on 10th February, 2026, learned counsel appearing for the plaintiffs made an incorrect and misleading statement, which came to be recorded in *Para 9* of the said order as follows:

"xxx xxx xxx

9. By referring to the aforesaid order, learned counsel appearing for the plaintiffs submits that the property at Serial No. b, as aforesaid, i.e., Property/plot No. 7 out of Khasra No. 22/4, area measuring 208 Sq. Yds., i.e., 173.90 Sq. Mtrs. situated in the area Village Mandoli, in the abadi of Harsh Vihar, Illaqa Shahdara, Delhi-110093, has still not been sold.

xxx xxx xxx"



3. It is submitted that the plaintiffs have deliberately suppressed material facts. The deceased mother of the parties, i.e., Late Smt. Bhojwati, possessed a sound and disposing state of mind and accordingly, bequeathed the property at serial no. (b), i.e., *Property/Plot No. 7, out of Khasra No. 22/4, area measuring 208 sq. yards. (i.e., 173.90 sq. mtrs.)*, situated in the area of *village Mandoli*, in the *abadi of Harsh Vihar, illaqa Shahdara, Delhi-110093*, in favour of defendant no. 1.
4. It is further submitted that prior to the institution of the present proceedings, defendant no. 1 had already sold and transferred *Property No. b*. Therefore, neither defendant no. 1, nor any of the other co-defendants retain any right, title or physical control over the said property. Thus, the present application has been filed seeking modification of the order dated 10th February, 2026, to the extent that the direction to maintain *status quo* shall not apply to the already alienated *Property No. b*, as mentioned in *Para 9* of the order dated 10th February, 2026.
5. Issue notice to the non-applicants, including through counsels, returnable on 11th September, 2026.

MINI PUSHKARNA, J

JULY 3, 2026/SK