



\$~16

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

+ CS(OS) 540/2025 & I.A. 19843/2025, I.A. 21184/2025, I.A. 32164/2025, I.A. 616/2026, I.A. 1177/2026, I.A. 3724/2026

SH. AKSHAY & ORS.

.....Plaintiffs

Through: Mr. Vijay Kinger, Mr. Hemant Kumar, Ms. Roopal Nagpal and Mr. H. Kinger, Advocates

versus

MS. MAMTA & ORS.

.....Defendants

Through: Mr. Rajinder Juneja, Adv.

Mob: 9711219976

Email: legalchamber@gmail.com

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

%

10.02.2026

I.A. 32164/2025

1. Learned counsel appearing for the defendants submits that he may be granted further time to file reply to the said application.
2. Accordingly, let reply be filed, within a period of four weeks, from, today.
3. Rejoinder thereto, if any, be filed within a period of two weeks, thereafter.

I.A. 3724/2026

4. The present application has been filed under Order 15A read with Order XXXIX Rule 10 and Section 151 of the Code of Civil Procedure, 1908 ("CPC") on behalf of the defendants, seeking directions to the plaintiff



no. 1, to forthwith deposit rents collected from December, 2024 till date and all future rents before this Court.

5. Issue notice. Notice is accepted by learned counsel appearing for the plaintiffs.

6. Let reply be filed within a period of four weeks, from today.

7. Rejoinder thereto, if any, be filed within a period of two weeks, thereafter.

CS(OS) 540/2025

8. Learned counsel appearing for the plaintiffs has drawn the attention of this Court to the order dated 20th August, 2025, and in particular to Para Nos. 15, 18 and 19, which are reproduced as under:

“xxx xxx xxx

15. As per the plaint, the details of the properties left behind by the deceased mother are as under:

S.no.	Particulars of properties owned by deceased mother
a.	H. No. 1/1419/J-3 (old plot no. 3). Area measuring 100 Sq. Yds. i.e. 83.61 Sq. Mtr. Out of Khasra No. 300 situated in the revenue estate of village Chandrawali, alias Shahdara, in the abadi of Manasarovar Park, Illaqa Shahdara, Delhi-110032.
b.	Property/plot No. 7 out of Khasra No. 22/4, area measuring 208 Sq. Yds. i.e. 173.90 Sq. Mtr. Situated at in the area of village Mandoli, in the abadi of Harsh Vihar, Illaqa Shahdara, Delhi-110093.
c.	Property No. 574-B, Second Floor, Old No. 1 to 29 & 33 to 39, out of Khasra No. 113, 114, 115, 116, 119, 127/2/12/1, 1140/126, 2939/117, situated at Village Chandrawali, in the abadi Moti Ram Road, Ram Nagar, Illaqa, Shahdara, Delhi-110032.

xxx xxx xxx

18. Counsel appearing on behalf of the defendant no.1 submits that the property at S.no. ‘b’ above was bequeathed by the deceased mother in favour of the defendant no.1 through a registered Will. He



further submits that the said property has been sold by the defendant no.1 on 14th June, 2025, through a registered sale deed.

19. Along with the written statement, the defendant no.1 shall place on record the registered Will on the basis of which the property at S. no 'b' was bequeathed by the deceased mother in favour of the defendant no.1, as also all the documents pursuant to which the said property was sold by the defendant no.1.

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.

10. He submits that a wrong statement has been made before this Court that the said property already stands sold. He submits that there were clear directions from this Court to place on record the registered documents pertaining to the same.

11. *Per contra*, learned counsel appearing for the defendants draws the attention of this Court to the order dated 28th August, 2025, to submit that instead of the word 'registered', the word 'notarized' was substituted in front of the words, Will and Sale Deed.

12. Learned counsel appearing for the defendants submits that pursuant to the aforesaid substitution, the notarized Will has already been placed on record.

13. However, he submits that there is no Sale Deed *qua* the property in question and the property stands transferred on the basis of some notarized document.

14. It is to be noted that transfer of property cannot be done by other



mode, except by a registered Sale Deed, Gift Deed, etc. which are recognized as modes for transfer of interest in immovable property. Therefore, any notarized document, which has purportedly been executed by the defendants *qua* the aforesaid property, will not have the effect of transferring any title in favour of any third party.

15. However, liberty is granted to the defendants to place on record the said documents.

16. Accordingly, it is directed that *Status quo* as on date, shall be maintained with respect to the properties as mentioned in the order dated 20th August, 2025.

17. Re-notify on 07th July, 2026.

18. Interim order to continue.

MINI PUSHKARNA, J

FEBRUARY 10, 2026
ak