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

+ **CS(OS) 618/2023, I.A. 33279/2024 & I.A. 19665/2023**

SMT. SARLA GUPTAPlaintiff

Through: Mr. S.C. Singhal and Mr. Saideep
Kaushik, Advocates

versus

SHRI AKASH SHARMA & ORS.Defendants

Through: Mr. Rakesh Chander Agrawal and
Mr. Samdeep Dhanuka, Mr. Kartik
Kumar Agrawal, Advocates for R-2
Mr. Ashwini Kumar, Advocate for D-
4
Mr. Raghvendra Upadhyay, Panel
Counsel GNCTD, Ms. Purnima Jain
and Mr. Ruchir Baswal, Advocates
for D-5

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **12.08.2024**

I.A. 33279/2024 (under Order XXXIX Rule 4 CPC for varying the order dated 12.10.2023 and permitting the plaintiff to gift the property by registered gift deed to her daughter Smt. Anjali Kumar wife of Sh. Mahesh Kumar)

1. This is an application filed by the plaintiff under Order XXXIX Rule 4 Code of Civil Procedure, 1908 (CPC) seeking variation of the order dated 12.10.2023 passed by this Court, whereby the parties were directed to maintain status quo with respect to the property bearing no. D-183, D-block, Anand Vihar, Vikas Marg Extension, Delhi.
2. The plaintiff contends that she is the owner and in actual physical



possession of the aforesaid property having obtained her ownership rights vide conveyance deed dated 30.01.2003. It is contended by the plaintiff that she is an 82 year old woman and is being taken care of by her daughter Smt. Anjali Kumar.

3. It is stated that the plaintiff wishes to execute a registered gift deed in favour of her daughter Smt. Anjali Kumar out of love and affection for the suit property.

4. Issue notice. Learned counsel for defendant nos. 2, 4 and 5 accept notice. They state that they dispute the title rights of plaintiff in the said property.

5. This Court has considered the submissions of the parties.

6. The fact that the plaintiff is in actual physical possession of the suit property is not in dispute as well as the fact that she has conveyance deed dated 30.01.2003 in her favour is also not disputed.

7. Accordingly, the plaintiff is hereby permitted to execute a registered gift deed in favour of her daughter Smt. Anjali Kumar, however, the gift deed shall contain specific recital(s) with respect to the pendency of this suit and it will also contain a recital that Smt. Anjali Kumar will remain bound by the final outcome of this suit. The concerned Sub-Registrar is directed to register a gift deed from the plaintiff in favour of Smt. Anjali Kumar qua the suit property.

8. It is directed that that Smt. Anjali Kumar, upon the gift deed being executed seek impleadment as a co-plaintiff in the suit and shall remain bound by the final outcome of the proceedings.

9. Learned counsel for the applicant-plaintiff states that he has no objection to this direction and plaintiff will make a full disclosure of the



pendency of this suit in the gift deed and will place on record the duly executed gift deed within one (1) week.

10. With the aforesaid directions, the application stands allowed.

CS(OS) 618/2023

11. Except for the liberty granted hereinabove, the status quo order dated 12.10.2023 shall continue to operate between the parties.

12. List before the Joint Registrar (J) on 22.10.2024.

13. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of order shall be insisted by any authority/entity or litigant.

MANMEET PRITAM SINGH ARORA, J
AUGUST 12, 2024/msh/sk

[Click here to check corrigendum, if any](#)