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

I.A. 23023/2025, I.A. 23024/2025 and I.A. 23025/2025

IN

+ CS(OS) 626/2025

MR. ROMI GARG

.....Plaintiff

Through: Mr. Jai Sahai Endlaw and Ms.
Shambhavi Kala, Advocates.

versus

MRS. SHEELA DEVI & ORS.

.....Defendants

Through: Mr. L.S. Chaudhary, Dr. Ajay
Chaudhary, Mr. Bharat Chaudhary,
Ms. Ruchika Bothra, Ms. Vinita and
Ms. Monika, Advocates for D-1 and
D-3.

Mr. Ashish Dholakia, Sr. Advocate
with Mr. Shaurya Shyam and Ms.
Ananya Narain Tyagi, Advocate for
D-2.

Mr. Sacchin Puri, Sr. Advocate with
Mr. Dhananjay Grover, Mr. Harsh
Vardhan, Mr. Sunil Kumara and Mr.
Krishna Shukla, Advocates for
proposed defendants.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

% **16.09.2025**

I.A. 23024/2025 (u/O XXXIX Rules 1 and 2 of CPC, 1908)

1. This application has been filed on behalf of the plaintiff under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure, 1908 ('CPC') seeking interim reliefs *qua* two properties bearing *property no. 118, in Block 'N' measuring 300 sq. yds. situated in residential colony known as Greater Kailash Part – 1, New Delhi* ('GK-I property') and *property bearing no. A-*



1, Greater Kailash Enclave - II, New Delhi ('GK-II property'). The prayers in the interim application are set out below:-

“a. Pass an order of injunction in favour of the Plaintiff and against the Defendant No. 1, her agents, attorneys including Defendant No. 3, assigns, family members, or any person claiming through her from selling, agreeing to sell, assigning, alienating, transferring, encumbering, creating third-party rights, parting with possession in whole or part thereof of, disposing of the Suit Property being the Entire Freehold Built-up Property No. 118, in Block 'N' measuring 300 sq. yds. situated in residential colony known as Greater Kailash Part – 1, New Delhi, in the Revenue Estate of Village Zamardpur, within the limits of Municipal Corporation of Delhi along with all rights of ownership, possession, easements, patent or latent, enjoyed and reputed to be enjoyed in respect of a block Property, along with all rights, title and interest, easements, privileges, and appurtenances thereto free from all encumbrances; ('suit property no.1') and;

b. Pass an order of injunction in favour of the Plaintiff and against Mr. Radhey Shyam, their agents, representatives, assigns, family members, or any person claiming through them from selling, agreeing to sell, assigning, alienating, transferring, encumbering, creating third-party rights, parting with possession in whole or part thereof of, disposing of the Suit Property being Basement, Ground Floor and First Floor of the property bearing No. A – 1, Greater Kailash Enclave – II, New Delhi;

c. Direct the Defendant No. 1 and 3 to deposit the sums received from the sale of basement, ground floor and first floor of the property bearing No. A – 1, Greater Kailash Enclave – II, New Delhi before this Hon'ble Court.”

2. Earlier, another application under Order XXXIX Rules 1 and 2 of CPC, being I.A. 22275/2025 was filed on behalf the plaintiff, which came



up for hearing along with the suit on 10th September, 2025. Notice was issued in the said application and the defendants were given two weeks' time to file reply(ies) and same was posted for hearing on 15th October, 2025.

3. During the hearing it was noted that defendants no.1 and 3 are in possession of GK-II property, and the second and the third floor of the said property have already been sold to the third parties.

4. A pointed query was put to the counsel for the defendants, if the defendants have any intention or plan to sell the aforesaid properties.

5. Mr. L.S. Chaudhary, counsel appearing on behalf of the defendant no.1 submitted in Court that the defendants no.1 and 3 do intend to sell the aforesaid property.

6. However, today it has come to the notice of the Court that the Ground Floor, First Floor and Basement of the GK-II property, had already been sold by the defendant no.1 on 1st September, 2025.

7. This fact was not disclosed to the Court by the counsel appearing on behalf of defendant no.1 on 10th September 2025.

8. Mr. Choudhary submits that this information was not shared by the defendants with him.

9. Defendants no.1 and 3 are present in Court and admit the fact that the aforesaid property was sold by them on 1st September, 2025.

10. It is shocking that this important aspect was not disclosed to the Court on the said date of hearing.

11. Mr. Sacchin Puri, senior counsel appears on behalf of the buyers of the aforesaid GK-II property, viz. KIOSK Properties Pvt. Ltd. and Bhilai Engineering Industries ('Buyers'), and submits that the aforesaid buyers



have purchased the said properties from the defendant no.1 through a registered sale deed. He submits that a consideration of Rs.12 crores has been paid for Ground Floor and Basement of the GK-II property and a consideration of Rs.8.5 crores has been paid for the First Floor of the GK-II property.

11.1 Accordingly, the aforesaid buyers are impleaded as parties in the present suit.

11.2. Let an amended memo of parties be filed within three (3) days.

12. The plaintiff also submits that besides having paid a sum of Rs. 23,16,00,000/- to defendant no.1, being 95% of the total sale consideration in terms of the Agreement to Sell dated 15th May, 2023, the plaintiff has spent a further sum of Rs. 7.85 crores towards construction of the suit properties.

13. The plaintiff presses for an *ad interim* order restraining the buyers from creating any further third party rights in the basement, ground floor and first floor of the GK-II property as that would lead to multifarious litigation.

14. The plaintiff strongly apprehends that the defendants shall immediately sell the GK-I property as well, since the defendant no.1 has already sold the GK-II property *pendente lite*. Hence, the plaintiff also seeks to restrain the defendants from creating third party rights in respect of the said GK-I property.

15. In view of the aforesaid fact, *prima facie* case is made out on behalf of the plaintiff. Balance of convenience is also in the favour of plaintiff and an irreparable injury would be caused to the plaintiff if any further third party rights are created in the suit properties.

16. Issue notice in the present application.



17. Notice is accepted by the counsel appearing on behalf of defendants no.1 and 3, defendant no.2. Notice is also accepted by the counsel appearing on behalf of the Buyers/proposed defendants.

18. Reply(ies) be filed within two (2) weeks.

19. In the meanwhile, following *ad interim* directions are passed:-

- i. *Status quo* with regard to title and possession of the basement, ground floor and first floor of the GK-II property shall be maintained till the next date of hearing.
- ii. Defendant no.1 is directed to deposit the sale consideration received by the defendant no.1 in respect of the sale of the basement, ground floor and first floor of the GK-II property, amounting to Rs.12 crores and Rs.8.5 crores as disclosed by the counsel for the Buyers within two (2) weeks from today.
- iii. The defendants are also restrained from creating any third-party rights, in respect of the GK-I property till the next date of hearing.

20. List on the date already fixed *i.e.* 15th October, 2025.

I.A. 23023/2025 (seeking early hearing) and I.A. 23025/2025 (seeking impleadment)

21. In view of the order passed above, counsel does not press these applications.

22. Accordingly, the applications are dismissed as not pressed.

AMIT BANSAL, J

SEPTEMBER 16, 2025/Vivek/-