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

+ CM(M) 3955/2024

SUMITRA

.....Petitioner

Through: Dr. Anurag Kr Agarwal, Mr. Umesh
Mishra & Mr. Prateek Agarwal,
Advs.

versus

GEETA

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

% **02.12.2024**

CM APPL. 70194/2024 (Exemption)

Allowed, subject to all just exceptions.

Application stands disposed of.

CM(M) 3955/2024 & CM APPL. 70193/2024 (Stay)

1. Petitioner has challenged the order dated 12.09.2024 passed by learned District Judge-03, West, Tis Hazari Court, Delhi whereby the application filed by the petitioner under Section 10 CPC has been dismissed by the learned Trial Court.
2. Learned counsel for the petitioner submits that petitioner had earlier filed a Civil Suit seeking permanent injunction and declaration regarding the Sale Deed dated 30.12.2009 being declared as null and void. The same is pending before the learned Commercial Civil Judge, West, Tis Hazari Court, Delhi.



3. It is submitted that in the previously instituted Civil Suit, it has been averred by the petitioner that she and her family has always been in possession of the suit property and respondent is trying to interfere with the possession.

4. It is further submitted that in the subsequently instituted suit for possession, the respondent has alleged that she has been dispossessed from her property by the petitioner and therefore, claims possession of the same on the basis of the alleged Sale Deed which is under challenge in the previously instituted suit.

5. It is submitted that in case the Sale Deed is declared as null and void in the previously instituted suit, the subsequent suit would be rendered as non-maintainable and therefore, for this reason, subsequent suit ought to have been stayed by the learned Trial Court.

6. Issue notice of the petition to the respondent by all prescribed modes, subject to taking necessary steps, returnable on 23.04.2025.

RAVINDER DUDEJA, J

DECEMBER 2, 2024

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