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

+ RFA 866/2024, CM APPL. 72176/2024

SONA & ANR.

.....Appellants

Through: Mr. Vipin Dilawari & Mr. Himanshu
Verma, Advs.

versus

RAKESH KUMAR

.....Respondent

Through: Mr. Mayank Gakkhar, Ms. Sharat
Fatima and Ms. Gitika Gautam, Advs,
with Respondent in person.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

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30.04.2026

CM APPL. 28932/2026

1. Application under Order XXXIX Rules 1 and 2 read with Section 151 of CPC has been filed on behalf of the Appellants for restraining the Respondent, his agents, assignees, purchasers or any person claiming through him from carrying out any further construction in the Suit Property.
2. It is submitted that Plaintiffs / Appellants had filed Suit for Possession and Injunction against the Respondent / Defendant, on the basis of documents of Title, i.e. GPA, Agreement to Sell, etc., dated 20.06.2008, wherein Respondent / Defendant contested the Suit and claimed ownership on the basis of similar documents of Title, i.e. GPA, Agreement to Sell, etc., dated 12.12.2012
3. Learned Trial Court held that neither the Plaintiffs nor Defendant were able to establish their ownership rights in the Suit Property.
4. It is claimed that despite the finding of the Court, Defendant /



Respondent is continuing the construction in the Suit Property.

5. It was for the Plaintiffs / Appellants to have proved their case, but having failed to do so, they have lost the Suit, whatever be the right of the Defendant / Respondent.

6. Considering the circumstances, no stay against the construction can be granted. However, it is clarified that any constructions carried out on the Suit Property would be subject to the outcome of the present Appeal and Defendant / Respondent would not be able to claim any benefit of having raised the construction.

7. Application is disposed of.

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8. Learned counsel for the Respondent states that the Suit Property has already been sold on 02.12.2024.

9. E-TCR be summoned before the next date of hearing.

10. Written Submissions be filed by the parties within Eight (08) weeks, failing which, the same shall be accepted subject to depositing the cost of Rs.25,000/- to be with the Delhi High Court Advocates' Welfare Trust.

11. List for arguments on 02.12.2026.

NEENA BANSAL KRISHNA, J.

APRIL 30, 2026/R