



\$~22

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

+ **CS(OS) 1029/2024**

PAVAN SACHDEVA & ORS.

.....Plaintiff

Through: Mr. Akhil Sibbal, Sr. Adv. & Mr.
Akshay Makhija, Sr. Adv. with Mr.
Sandeep Sharma, Sr. Adv., Mr.
Anirudh Sharma, Mr. Vineet Kumar,
Mr. Ashesh Kumar, Mr. Siddharth
Chopra, Mr. Hriday Gandhi, Ms.
Navneet Thakran, Ms. Sugandh, Mr.
Sarah Haque, Ms. Harshita Gulati,
Advocates

versus

SUDHIR POWER LIMITED & ORS.

.....Defendants

Through: Mr. Rajiv Nayyar, Sr. Adv. &
Mr. Sandeep Sethi, Sr. Adv. with
Mr. Manish Kumar Ms. Aprajita Jha
& Ms. Riya Kumar, Advs. for D1-3

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

% **22.01.2025**

I.A. 49453/2024 (under Order XXXIX RULE 1 & 2 CPC)

1. Senior Counsel for plaintiff seeks to press this application filed by the plaintiff, particularly with respect to observations made by this Court on 24th December 2024 and 17th January 2025.
2. Mr. Sandeep Sethi, Sr. Advocate for the defendants, states that they do not wish to file any reply *qua* this application since they have already filed their written statement and will argue on that basis itself.
3. The documents which were sought to be filed by both parties, as noted in the previous order, have since been filed.



4. Mr. Akhil Sibal, Senior Counsel for the plaintiff has handed up in the Court, the order dated 20th January 2025 of the *Punjab & Haryana High Court* showing contempt proceedings against *Naib Tehsildar*, who attempted to take steps regarding *property bearing No. 473, Udyog Vihar, Phase-V, Gurgaon, Haryana-122016*. Same may be placed on record along with an affidavit before the next date of hearing.

5. Mr. Sandeep Sethi, Sr. Advocate for defendants' states on instructions that the three properties in question i.e., (i) *Plot No.321, Seetor-15, Part-I, Gurugram Haryana-122001* and (ii) *Plot No. 473, Udyog Vihar, Phase-V, Gurgaon, Haryana-122016* and (iii) *23/26, First Floor, East Patel Nagar, New Delhi- 110008*; are in physical possession of defendant nos.1 to 3. This is refuted by the senior counsel for the plaintiffs.

6. In these circumstances, basis the submission made on behalf of the defendants that they are in possession, this Court deems it fit that, in the interim, till the next date of hearing, the defendants not create any new third party rights with respect to three properties in their possession.

7. Mr. Sandeep Sethi, Sr. Advocate objects to the interim order being passed on the ground that the defendants object to the maintainability of the suit itself in the first place.

8. However, in the opinion of this Court, considering that, the defendants state that the possession of these three properties in question, is with them, interim directions would be apposite, for preservation of the status of the properties, till further directions are passed.

9. Accordingly, re-notify on 7th February 2025.

10. Order be uploaded on the website of this Court.

ANISH DAYAL, J

JANUARY 22, 2025/sm/tk