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

+ **CS(OS) 9/2025**

MOHD. NADEEM

.....Plaintiff

Through: Ms. Upasana Pahuja, Ms. Mehaj Chaudhary and Mr. Pranav Sahri, Advs.

versus

MOHD. NASIR & ORS.

.....Defendants

Through: Mr. Govind Singh, Adv. for D-1 with D-1 in person
Mr. Raj Kumar Gupta, Adv. for D-2 to 8
Mr. Kunal Rawat, Adv. for R-10

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

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28.01.2025

I.A. 337/2025 (under Order XXXIX Rules 1 and 2 read with Section 151 CPC)

1. Heard learned counsel for the parties on this application filed by the plaintiff, which is for the following relief:-

- i. *“restraining the Defendants, their family members, heirs, agents, representatives, employees etc. from transferring, alienating, assigning or parting with possession or creating any third party right, interest or title or charge on the either in whole or part Suit Property i.e. built-up Property bearing No.218, built on freehold land admeasuring 415 sq. yds., Gali Chauhan, Chhatta La1 Mian, Ward-X, Darya Ganj, New Delhi- 110002.*
- ii. *restraining the Defendants, their family members, heirs, agents, representatives, employees etc. from raising or carrying on any unauthorized construction in the Suit Property i.e. built-up Property bearing No.218, built on freehold land admeasuring 415*



*sq. yds., Gali Chauhan, Chhatta La1 Mian, Ward-X, Darya Ganj,
New Delhi-1100021.”*

2. Learned counsel who appears for defendant No.1 seems to have filed a reply to the instant application, however, the same is not available in the digital record of the Court, although a copy of the reply has been received by the learned counsel for the plaintiff. Let the reply be placed on the digital record of the Court.
3. The Court finds that defendant No.1, in his reply to the application, has taken the position that he is not creating any third-party rights with respect to the suit property, as mentioned in the prayer clause of the application.
4. At this stage, it is necessary to note that, until the application is finally heard, the parties need to be restrained from creating any third-party rights.
5. However, since learned counsel for the defendant No.1 submits that, while the application remains pending, he places on record the undertaking of defendant No.1 not to create any third-party rights with respect to the property in question.
6. Since the undertaking is made by learned counsel for defendant No. 1, therefore, the Court is not passing any further directions, but places the above undertaking on record and binds the parties to the same.
7. List on 18.03.2025.

PURUSHAINDR KUMAR KAURAV, J

JANUARY 28, 2025/DPA/AM

Click here to check corrigendum, if any