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

+ CS(COMM) 1367/2025 & I.A. 31924/2025, I.A. 31925/2025, I.A. 31926/2025, I.A. 31927/2025
VARUN KAPOORPlaintiff

Through: Mr. Prashant Katara, Mr. Soin Khan
and Ms. Sakshi Jain, Advs.

versus

P. D. BHARDWAJ & ORS.Defendants
Through:

CORAM:
HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER
19.12.2025

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1. The present Suit has been filed by the Plaintiff for specific performance of the Agreement to Sell dated 17.07.2025.
2. It is the case of the Plaintiff that the Defendants are brothers and collectively joint owners of the property bearing A-50, Gulmohar Park, New Delhi- 110049, admeasuring 300 Square yards.
3. It is stated that the Defendants had executed an MOU dated 07.07.2025 recording their intention to redevelop the Suit Property through a selected developer on sharing basis. The MOU also recorded that a civil suit by one of the sisters, namely, Smt. Vimla Sharma was pending at the time when the said MOU was registered.
4. It is stated that in terms of the MOU, the Plaintiff was entitled to get the basement and the ground floor and the Defendants were entitled for first, second and the third floor.



5. It is stated that the Plaintiff at its own expense has settled all the claims of Smt. Vimla Sharma and paid a sum of Rs. 5,00,000/- each to the Defendant Nos. 1, 2 and 3. After receiving the money, and settlement of the claims with Smt. Vimla Sharma, the Defendants are now threatening to terminate the contract and are avoiding all the terms under the contract. Resultantly, the Plaintiff has approached this Court by way of filing the present Suit.

6. Let the Plaint be registered as a suit.

7. Issue summons to the Defendants, to be served through all permissible modes, including through electronic mode and *dasti* as well, returnable on 17.02.2026 before the learned Joint Registrar (Judicial).

8. The summons to the Defendants shall indicate that the Written Statement(s) to the Plaint shall be positively filed within a period of 30 days from the date of receipt of summons. Along with the Written Statement(s), the Defendants shall also file the affidavit(s) of admission/denial of the documents of the Plaintiff, without which the Written Statement(s) shall not be taken on record.

9. Liberty is given to the Plaintiff to file the Replication within a period of 15 days of the receipt of the Written Statement(s). Along with the Replication, if any, filed by the Plaintiff, the affidavit(s) of admission/denial of documents of the defendant(s) shall be filed by the Plaintiff, without which the Replication(s) shall not be taken on record.

10. List before the Court on 09.03.2026.

I.A. 31923/2025

11. In view of the facts stated in the Plaint, the Plaintiff has made out a *prima facie* case in favour of the Plaintiff that there is a threat of third party



rights being created.

12. Having considered the contents of the Complaint and the documents filed therewith, and also having heard the learned counsel for the Plaintiff, the Court is of the opinion that the Plaintiff has been able to make out a good *prima facie* case in his favour. The balance of convenience is also in favour of the Plaintiff and against the Defendants. The Plaintiff is likely to suffer a grave irreparable injury in case an *ad interim ex-parte* injunction is not granted. This Court is inclined to grant an injunction as prayed for in Prayer No. 'i' of the Complaint for ad-interim injunction.

13. Accordingly, the parties to the Suit are directed to maintain the *status quo* with respect to the abovementioned suit property, till further order.

14. Let reply(ies) to the Application be filed by the Defendants within a period of four weeks of receipt of the notice. Rejoinder thereto, if any, be filed within a period of three weeks thereafter.

15. List before the Court on 09.03.2026.

16. Compliance of Order XXXIX Rule 3 of the CPC be made within a week from today.

SUBRAMONIUM PRASAD, J

DECEMBER 19, 2025

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