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

+ **CS(OS) 967/2025 & I.A. 1021/2026**

M/S. FOREMOST CONSTRUCTION PVT LTD. & Ors.Plaintiffs

Through: Trideep Pais, Senior Advocate, with
Mr. Apoorv Kurup, Senior Advocate
with Mr. Sudhir Nagar, Mr. Saihiba
Singh, Ms. Saloni Ambastha, Ms.
Sakshi Jain, Mr. Nitesh Kumar Jha ,
Mr. Yogesh Goyal and Mr. S.
Abinaya, Advocates

versus

PREM LATA CHAUHAN AND ANR.Defendants

Through: Mr. Abhijat, Senior Advocate with
Mr. Harshwardhan Gupta, Mr.
Satyam Gupta and Mr. Anubhav
Singh, Advocates for D-1.
Mr. Sandeep Sethi, Senior Advocate
with Mr. Tanuj Khurana, Mr.
Ramandeep Bawa and Mr. Ashutosh
Singh, Advocates for D-2.

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

15.01.2026

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I.A. 1021/2026

1. The present application has been filed on behalf of the plaintiffs seeking early hearing of the application, i.e., I.A. 33017/2025, filed under Order XXXIX Rule 1 and 2, read with Section 151 of the Code of Civil Procedure, 1908 ("CPC") for grant of injunction.



2. Learned Senior Counsel appearing for the plaintiffs submits that after the issuance of the summons, the plaintiffs, as a precautionary measure, addressed a Letter dated 29th December, 2025 to the Sub-Registrar-III, within whose jurisdiction the suit property is situated, thereby, apprising the Sub-Registrar-III, of all the facts and circumstances, as well as the pendency of the captioned suit. Copy of the said Letter dated 29th December, 2025 has been attached as *Document-1*, along with present application.

3. Learned Senior Counsel appearing for the plaintiffs further submits that the plaintiffs received a Letter dated 02nd January, 2026, on 10th January, 2026 stating that the defendants had presented papers for registration of the sale deed concerning the suit property. Thus, the present application has been filed for early hearing of *I.A. 33017/2025*.

4. During the course of hearing, it has come to the fore that notice in *I.A. 33017/2025* is yet to be issued.

5. Thus, this Court has taken cognizance of the said application today itself.

6. Accordingly, the present application is disposed of.

I.A. 33017/2025

7. The present application has been filed on behalf of the plaintiffs under Order XXXIX Rule 1 and 2, read with Section 151 of the CPC, for grant of injunction.

8. It is to be noted that at the time of issuance of summons on 24th December, 2025, notice in the present application had not been issued.

9. Learned Senior Counsel appearing for the plaintiffs submits that there is a registered sale deed in favour of the plaintiffs and that defendant no. 1 is a rank encroacher. Additionally, the defendant nos. 1 and 2, in collusion



with each other, have obtained an arbitral award dated 15th July, 2016 in Ref. No. DKS/07/2013, and pursuant to the same, they are attempting to execute a sale deed.

10. Learned Senior Counsel appearing for the plaintiffs further submits that since the plaintiffs are the owners of the property by virtue of a registered sale deed, the award which has been obtained by defendant nos. 1 and 2 behind the back of the plaintiffs and in collusion with each other, cannot be allowed to be implemented in the manner, it is sought to be done. He, thus, submits that interim relief be granted in favour of the plaintiffs.

11. *Per contra*, learned Senior Counsels appearing for defendant nos. 1 and 2 submit that there is an Arbitral Award dated 15th July, 2016, pursuant to which, a petition was filed before this Court by the defendant no. 2, herein i.e., *OMP (ENF.) (COMM.) 272/2025*, titled as “*Satinder Singh Chhabra Versus Prem Lata Chauhan*”.

12. In the said case, an order dated 05th December, 2025 was passed, which is reproduced as under:

“EX.APPL.(OS) 1779/2025

Exemption is granted subject to all just exceptions.

The application is disposed of.

OMP (ENF.) (COMM.) 272/2025

1. This is a petition filed on behalf of the decree-holder under Section 36 of the Arbitration and Conciliation Act, 1996 seeking enforcement of the Award dated 15.07.2016 wherein the judgment-debtor was required to execute the sale deed of Property bearing No. B-10, Block-11, Pusa Road, New Delhi measuring 2200 square yards.

2. Mr. Charya, learned counsel for the judgment-debtor, states that the judgment-debtor is ready and willing to execute the sale deed on payment of balance consideration along with the appropriate interest.



3. *Mr. Sethi, learned senior counsel for the decree-holder, on instruction states that the decree-holder will pay interest at the rate of 12 percent.*

4. *For the said reasons, it is directed that the decree-holder shall pay the balance sale consideration of Rs 99 lakhs along with 12 percent interest from 15.07.2016 till the date of payment and the judgment-debtor will execute the sale deed expeditiously and not later than 4 weeks from today. The copy of the Demand Draft of the payable amount shall be shared and the Demand Draft shall be handed over on the date of execution of the sale deed.*

5. *With these directions, the petition is disposed of.*

6. *In the meanwhile, the judgment-debtor will maintain status-quo with regard to title and possession of the said property.”*

13. By referring, to the aforesaid order, learned Senior Counsels appearing for defendant nos. 1 and 2 jointly submit that directions were issued by this Court, to execute the sale deed of the property in question i.e. property bearing *No. B-10, Block-11, Pusa Road, New Delhi, measuring 2200 square yards.*

14. Thus, it is submitted that pursuant to the Arbitral Award dated 15th July, 2026, and the order dated 05th December, 2025 passed by this Court in *OMP (ENF.) (COMM.) 272/2025*, the sale deed already stands executed validly.

15. It is further submitted that the said sale deed was executed on 29th December, 2025 and was duly registered on 30th December, 2025.

16. Learned Senior Counsels appearing for defendant nos. 1 and 2 further submit that the property in question measures 2200 square yards. However, the property is only partially constructed. Moreover, there are approximately seven to nine (07-09) constructed rooms in the said property, out of which, four rooms are in possession of defendant no. 1.

17. It is submitted that pursuant to the execution of the sale deed,



defendant no. 1 has already handed over the possession of the said four rooms to defendant no. 2.

18. Learned Senior Counsels appearing for defendant nos. 1 and 2 further submits that the defendant no. 1 had purchased the property in the year 1984 from the original owner by way of a General Power of Attorney (“GPA”), Agreement to Sell, and Will etc.

19. He submits that the said documents are validly executed documents and that the operation of the judgment in the case of ***Suraj Lamp and Industries Private Limited Versus State of Haryana and Another, (2012) 1 SCC 656***, is only prospective in nature and not retrospective. Thus, the documents in favour of defendant no. 1 are lawful.

20. He further submits that the sale deeds in favour of the plaintiffs are much later of the year 1992. Moreover, there are 17 sale deeds in favour of the plaintiffs from the Power of Attorney holders of the original owners. Therefore, the title documents of the plaintiffs cannot be accepted on their face value.

21. Learned Senior Counsels appearing for the defendants further rely upon the order dated 07th December, 2024, passed by the Additional Sessions Judge, Fast Track Court (“FTC”)-02, Central, Tis Hazari Courts, to submit that the possession of defendants herein was recognized by a Court of law.

22. Learned Senior Counsels for defendant nos. 1 and 2 also rely upon Section 5 of the Arbitration and Conciliation Act, 1996 (“Arbitration Act”), which reads as under:

*“5. **Extent of judicial intervention.**—Notwithstanding anything contained in any other law for the time being in force, in matters governed by this Part, no judicial authority shall intervene except*



where so provided in this Part.”

23. By relying upon the aforesaid Section, learned Senior Counsels appearing for defendant nos. 1 and 2 jointly submit that a Civil Court will have no jurisdiction to entertain any proceeding with respect to an arbitral award, except by way of filing objections under Section 34 of the Arbitration Act and filing objections in the Executing Court.

24. They submit that the plaintiffs, however, have not resorted to such measures in terms of the Arbitration Act, which the plaintiffs could have validly done. Thus, there is no case for *ex-parte* injunction in favour of the plaintiff and that the defendants be granted time for filing reply.

25. The matter requires consideration.

26. Accordingly, let reply be filed by the defendants, within a period of two weeks.

27. Response thereto, if any, within a period of two days, thereafter.

28. List for consideration of *I.A. No.33017/2025* on 10th February, 2026, at 02:30 p.m.

MINI PUSHKARNA, J

JANUARY 15, 2026/JYH