



2026:DHC:5341

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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(OS) 320/2018, I.A. 8724/2018, I.A. 11205/2019 I.A. 14831/2022,
I.A. 17693/2022, I.A. 19973/2022 & I.A. 39889/2024.
PAWWAN KHANNAPlaintiff

Through: Mr. Manohar Malik, Ms. Aashtha
Gumber, Mr. Karan Jain and Ms.
Farah Khan, Advs.

versus

DEEPAK BAGGA & ANR.Defendant
Through: Mr. Naman Sabharwal, Mr. Vansh
Gandotra, Mr. Madhuresh Chaudhary
and Mr. Kartik Gandotra, Advs. for
D1.
Mr. Vikas Mishra and Mr. Krishna
Dev Yadav, Advs. for D-4.

CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL

ORDER
22.01.2025

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I.A. 19973/2022

1. This application has been filed by defendant No.4 under Order XXXIX Rule 4 CPC seeking vacation of the order dated 22nd September 2022 passed by the Court.
2. The suit property concerns land situated in Revenue estate of Village Jonapur, Tehsil Mehrauli, New Delhi.
3. The specific performance claim of the property of plaintiff was based upon an agreement to sale dated 05th January 2016 for consideration of Rs.4.5 Crores, under which they claim they paid Rs.4 Crores in cash and Rs.50 Lacs by cheque and stated that they had possession of the property.



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On this basis, the Court on 09th July 2018 directed *status quo* on the suit property.

4. At that stage, defendant No.1, the landlord, and defendant No.2, the subsequent purchaser under sale deed dated 30th May 2016 had been arrayed.

5. Subsequently, it transpired that the property had been sold by defendant No.2 to defendant No.3 on 25th June 2018. Accordingly, defendant No.3 was also impleaded as a party, subsequently in 2022.

6. In the meantime, the defendant No.3 was allegedly never served and had transacted with defendant No.4 and sold the property on 20th July 2022.

7. On this basis, counsel for defendant No.4 states that the plaintiff was never in possession of property and they are the subsequent *bona fide* purchaser without notice, and continue to be in possession of property. However, they are suffering because of the *status quo* order, despite that the agreement to sale was unregistered and unstamped and there was misrepresentation by plaintiff to the Court on basis of which *status quo* order was granted.

8. Reply to the said application has already been filed.

9. List the matter for hearing on this application on 14th April 2025.

I.A. 39889/2024

1. This application has been filed for amendment of the plaint, to which the reply has been received.

2. In the meantime, counsel for plaintiff seeks time to file a rejoinder.

3. The same may be filed at least one week prior to the next date of hearing with copies to the opposing side.

4. Counsel for plaintiff has sought an adjournment today on the ground



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that the main counsel is not available and is indisposed.

5. List on 14th April 2025.
6. Order be uploaded on the website of this Court.

ANISH DAYAL, J

JANUARY 22, 2025/MK