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

+ RFA 548/2015

MANISHA BHAGAT Appellant

Through: Mr. D.K. Rustagi, Advocate.

versus

SUBHASH CHAND PALIWAL & ANR Respondents

Through: Mr. Sanjay Agnihotri, Advocate.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

ORDER

% **09.01.2017**

C.M. No. 29287/2016 (by the appellant u/S 151 CPC)

1. This application has been filed by the appellant seeking modification of the order dated 27.1.2016 whereunder, she was directed to deposit the title documents of the subject premises in court for them to be placed in a sealed cover.

2 The appellant is in fact seeking review of the order dated 27.1.2016, which will only lie before the appropriate Bench that had passed the said order.

3. Subject to and after obtaining the orders of Hon'ble the Chief Justice, list this application before the Bench presided by Rajiv Sahai Endlaw, J. on 20.1.2017.

C.M. No. 15317/2015 (for stay)

1. The appellant/plaintiff is aggrieved by the judgment dated 25.4.2015, pronounced by the trial court in a suit for mandatory and permanent

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injunction instituted by her against the respondents/defendants, seeking directions to complete the formality of registration of an Agreement to Sell dated 10.7.2008, in respect of a plot of land measuring 32 sq. meters situated at Rohini Phase-III, New Delhi. By the impugned judgment and decree, the trial court has dismissed the said suit and aggrieved thereby, the present appeal has been filed.

2. Learned counsel for the appellant asserts that the appellant has all along been in possession of the subject plot, which submission is vehemently disputed by learned counsel for the respondents who draws the attention of the court to the observations made by the trial court in para 49 of the impugned judgment wherein, the respondents/defendants have been restrained from parting with possession, alienating or creating any third party interest in the suit property, without re-funding the sum of Rs.6 lacs along with an interest @ 9% p.a. to the appellant/plaintiff.

3. Mr. Rustagi, learned counsel for the appellant insists that the appellant was and is still in possession of the subject premises.

4. As the court has been informed that a boundary wall has been raised around the subject plot to secure it with a gate affixed for entry and both the parties claim that they are in possession of the keys of the lock placed on the said gate, to test their *bonafides*, they are directed to deposit the said keys in court within one week.

5. List on 20.3.2017.

HIMA KOHLI, J

JANUARY 09, 2017/ap
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