

Item No.S-9

Prem Singh and others vs. Indira Sharma and others

FAO(OS) No.09 of 2026

08.05.2026 Present: Mr. Anand Sharma, Senior Advocate with Mr. Karan Sharma, Advocate, for the appellants.

Learned Senior Counsel for the appellants submits that in the suit filed, the evidence had been completed and only at the stage when the defendants' evidence was going on and statements of two witnesses had been recorded, it came to the notice of the Court that the property had been alienated inspite of the fact that there was a status quo order earlier. Resultantly, directions had been issued on 16.11.2016 to file appropriate application, including an application under Order 39 Rule 2-A of the Civil Procedure Code against the persons who had infringed the earlier order of the Court.

It is accordingly submitted that there is sufficient material to show that the non appearance thereafter was on account of medical ailment, on six occasions, which has been adversely commented upon by the learned Single Judge, while dismissing the application for restoration along with an application for condonation of delay in filing the said application. It is submitted that since substantial progress had been made in the suit in question, the application was liable to be allowed, subject to imposition of reasonable costs.

Keeping in view the above, we issue notice to the respondents, subject to deposit of costs of Rs.50,000/-,

returnable for **30.06.2026**. The costs be deposited within two weeks, with the Registrar General of this Court, to be paid to the opposite side, since the suit had been pending since 2012. In case, the said cost is not deposited within the aforesaid period, the present appeal shall be deemed to be dismissed for non prosecution without further reference to this Court.

List on **30.06.2026**.

(G.S. Sandhawalia)
Chief Justice

May 08, 2026 (KS)

(Bipin C. Negi)
Judge