

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. _____ OF 2023
(Arising out of SLP(Civil) No. 7815 of 2022)

PUNEET SHARMA APPELLANT
VERSUS
ARCHANA SHARMA AND ANOTHER RESPONDENTS

O R D E R

Leave granted.

During the course of hearing before us, it is pointed out that the property - Flat No. 576, Sanskriti Apartments, Sector 19-B, Dwarka, New Delhi (the 'flat'), is in possession of the appellant - Puneet Sharma, and respondent no.1 - Archana Sharma also resides in the flat.

The family settlement, no doubt, is a disputed document, but the genuineness of the same is a matter of evidence.

In the given factual background, we are of the opinion that the trial court and the High Court were wrong in not granting injunction, restraining the respondents before us from selling, alienating or creating third party interests in respect of the flat.

The learned counsel for the respondents has stated that the flat is a subject matter of proceedings initiated under the Securitisation and Reconstruction of Financial Assets and

Enforcement of Security Interest Act, 2002. In case the flat is sold by the bank/creditor, it may not fetch the true and correct market value.

In view of the aforesaid position, we observe that it will be open to the respondents before us to approach the trial court and seek permission for sale of the flat, which application, if filed, would be considered and decided on its own merits. The order passed by us will not come in the way of the trial court in passing appropriate orders. We say so because the flat was mortgaged by the father of the appellant, and the mortgage being the first charge on the flat, inheritance would be subject to the said charge.

We clarify that we have not passed any restraint order in respect of the other properties inherited by the parties from Late Arun Kumar Sharma.

The appeal is allowed and disposed of in the above terms.

Pending application(s), if any, shall stand disposed of.

..... J.
(SANJIV KHANNA)

..... J.
(M.M. SUNDRESH)

NEW DELHI;
JANUARY 16, 2023.
ps

ITEM NO.46

COURT NO.7

(REVISED FOR APPEARANCE)
SECTION XIV

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 7815/2022

(Arising out of impugned judgment and order dated 09-12-2021 in FAO No. 272/2021 passed by the High Court of Delhi at New Delhi)

PUNEET SHARMA

Petitioner(s)

VERSUS

ARCHANA SHARMA AND ANOTHER

Respondent(s)

Date : 16-01-2023 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJIV KHANNA
HON'BLE MR. JUSTICE M.M. SUNDRESH

For Petitioner(s) Ms. Rajdipa Behura, Adv.
Mr. Chand Qureshi, AOR

For Respondent(s) Mr. Jitender Chaudhary, Adv.
Mr. Rajesh Singh, AOR

UPON hearing the counsel, the Court made the following
O R D E R

Leave granted.

The appeal is allowed and disposed of in terms of the signed order.

Pending application(s), if any, shall stand disposed of.

(POOJA SHARMA)
COURT MASTER (SH)

(R.S. NARAYANAN)
COURT MASTER (NSH)

(Signed order is placed on the file.)

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R E C O R D O F P R O C E E D I N G S

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(Signed order is placed on the file.)

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