



2026:DHC:5827



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% ***Date of decision: 13th July, 2026***+ **RSA 118/2026, CM APPL. 43211/2026 & 43212/2026****MRS. JASMINE**

W/o Sh. Harjee Singh

R/o House No. 2173, 1st Floor,

E-Block, Sector-2, Palam Vihar,

Gurugram, Haryana.

.....Appellant

Through: Mr. Gurvinder Singh, Advocate.

1. SUB-REGISTRAR-IIIOffice of the E-Sub-Registrar,
at 4/7, Asaf Ali Road, New Delhi.**2. OFFICE OF THE REGISTRAR/DISTRICT MAGISTRATE
(CENTRAL)**

at 14, Darya Ganj, New Delhi.

3. SH. APNINDER SINGH

S/o Late S. Amrik Singh

R/o E-17, 2nd Floor, Sector- 2C,

Palam Vihar, Gurugram, Haryana.

.....Respondents

Through: None.

CORAM:**HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA****ORDER****13.07.2026****CM APPL. 43212/2026 (Seeking condonation of delay in re-filing the appeal)**

1. An Application under Section 5 of Limitation Act has been filed on behalf of the Appellant, seeking condonation of delay of 114 days in re-filing the present Appeal.

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2. It is submitted in the Application that present Appeal was initially filed on 14.02.2026; however, owing to certain objections raised by the Registry of this Court, the defects could not be cured within the stipulated period of 30 days.

3. It is further averred that the delay in re-filing occurred as the Appellant and Respondent No. 3, Sh. Apninder Singh, were exploring the possibility of a settlement. However, as the parties could not arrive at an amicable solution, the Appellant thereafter proceeded to cure the defects.

4. Considering the reason stated in the Application, the delay of 114 days in re-filing the present Appeal is condoned.

5. Application stands disposed of.

RSA 118/2026, CM APPL. 43211/2026:

6. Regular Second Appeal under Section 100 of CPC has been filed on behalf of the Appellant, Mrs. Jasmine, against Judgment dated 4.11.2025, whereby learned Senior Civil Judge ***has upheld the Order dated 18.09.2024 passed by the learned Civil Judge, rejecting the plaint under Order VII Rule 11(d) of CPC.***

7. Plaintiff / Appellant had filed ***Civil Suit No. 1794/2024*** under Section 77 of the Registration Act, 1908, seeking directions to Defendant No. 1, Sub-Registrar- III and Defendant No. 2, Office of the Registrar/District Magistrate (Central), to register the sale deed in respect of Property bearing No.64, M.M. Road, Rani Jhansi Road, Motia Khan, Paharganj, Delhi, (admeasuring 53.11 square yards) (hereinafter referred to as 'the Suit Property').

8. **The facts in brief** are that the Defendant No. 3, Sh. Apninder Singh, was the owner of the property to the extent of 53.11 sq. yds. in property



bearing No. 64, M. M. Road, Rani Jhansi Road, Motia Khan, Pahar Ganj, Delhi- 110055. It is the Plaintiff's case that Defendant No. 3 Sh. Apninder Singh, the brother-in-law of the Plaintiff, intended to sell his share in the suit property, in her favour. Accordingly, on 28.02.2024, a Sale Deed was executed between the Plaintiff and Defendant No. 3, Sh. Apninder Singh and was duly presented for registration before Defendant No. 1, Sub-Registrar- III, along with all requisite documents, stamp duty and registration charges, in accordance with the provisions of the Registration Act, 1908.

9. According to the Plaintiff, at the time when the Sale Deed was presented for registration, **Civil Suit No. 981/2022** titled '*Sahaj Notay v. Gurcharan Kaur & Ors.*' was pending before the learned District Judge-07, Central District, Tis Hazari Courts, Delhi. In the said proceedings, *an Order directing maintenance of status quo in respect of the suit property had been passed, on 01.11.2022.* The Plaintiff, however, asserted that the said Order had ceased to operate and that no Order of *status quo* was in force, till 07.03.2024. It is further alleged that Defendant No. 1, Sub-Registrar-III was misinformed regarding the continuance of the said Order owing to the acts of Defendant No. 3, acting in collusion with his wife, Mrs. Tejinder Kaur, Ms. Sahaj Notay and her purported attorney, Mr. Tarundeep Singh.

10. The Plaintiff further averred that at the time of presentation of the Sale Deed, Defendant No. 1, Sub-Registrar-III required her to obtain clarification from the concerned Civil Court, with respect to the *subsistence of any Order of stay or status quo in relation to the suit property.* Pursuant thereto, the Plaintiff approached *the Court of the learned District Judge, and*



obtained an Order dated 16.05.2024 clarifying that no Order of status quo was operating in respect of the suit property, till 07.03.2024.

11. It is the Plaintiff's case that she along with her counsel, immediately approached Defendant No. 1 on 20.05.2024 and placed the aforesaid Order on record. However, when her counsel revisited the office of Defendant No. 1 on 28.05.2024, he was informed for the first time, that *Defendant No. 1 had already passed an Order dated 04.04.2024*, refusing registration of the Sale Deed and had returned the original Sale Deed.

12. The Plaintiff contended that despite payment of the entire sale consideration to Defendant No. 3 and notwithstanding the absence of any subsisting *Order of stay* on the date of execution and presentation of the Sale Deed, Defendant No. 1 refused to register the document on the erroneous premise that an Order of *status quo* was operating in respect of the suit property.

13. Aggrieved thereby, the Plaintiff challenged the Order dated 04.04.2024 by preferring an ***Appeal under Section 72 of the Registration Act, 1908 before Defendant No. 2***, namely, the Registrar/District Magistrate (Central), Delhi.

14. The Plaintiff further submitted that Defendant No. 2, without assigning adequate reasons and without appreciating that no Order of status quo was operating on the date of presentation of the Sale Deed, ***dismissed the aforesaid Appeal, vide Order dated 28.08.2024***. According to the Plaintiff, Defendants No. 1 and 2 adopted an arbitrary and mechanical approach and failed to appreciate that the Sale Deed had been executed and presented on 28.02.2024, when no restraint Order was in force.



15. Aggrieved by the dismissal of her Appeal and the refusal of Defendants No. 1 and 2 to register the Sale Deed dated 28.02.2024, the **Plaintiff instituted the present Suit** under Section 77 of the Registration Act, 1908, seeking directions to Defendant No. 1, Sub-Registrar-III, and Defendant No. 2, Office of the Registrar/District Magistrate (Central), to register the Sale Deed dated 28.02.2024.

16. No Written Statement was filed on behalf of the Defendants.

17. The **learned Civil Judge in the impugned Order dated 18.09.2024**, while examining the maintainability of the suit, observed that the power under Order VII Rule 11 of CPC is an independent and special remedy enabling the Court to reject a plaint at the threshold, where the suit is barred by law or does not disclose a cause of action.

18. The **learned Civil Judge** -further noted that **Civil Suit No. 981/2022**, titled *Sahaj Notay v. Gurcharan Kaur & Ors.*, for partition and permanent injunction which included the suit property, was pending before the learned District Judge, Delhi. Upon examining the Order dated 16.05.2024 passed therein, the Court observed that the direction to maintain *status quo* in respect of the suit property, continued to operate. Accordingly, it held that granting the relief of registration of the Sale Deed as sought by the Plaintiff, would amount to circumventing and violating the subsisting *Order of status quo*.

19. The **Ld. Civil judge** also held that the suit was barred by the doctrine of *lis pendens*, under Section 52 of the Transfer of Property Act, 1882. Rejecting the Plaintiff's contention that Section 52 would apply only upon the passing of a specific restraint Order, the Court observed that the



provision operates by virtue of the pendency of the suit itself and does not require any separate injunctive order.

20. *Consequently, holding that the suit was barred by law and constituted an attempt to circumvent both the subsisting status quo order and the doctrine of lis pendens, the learned Civil Judge rejected the plaint under Order VII Rule 11(d) of the CPC.*

21. The Plaintiff / Appellant have filed **Regular Civil Appeal SCJ No.22/2024** against the Order dated 18.09.2024.

22. The **learned SCJ** concurred with the findings and reasoning of the learned Civil Judge and upheld the Trial Court's findings that the suit was barred by the doctrine of *lis pendens* embodied under Section 52 of the Transfer of Property Act, 1882, observing that the underlying object of the provision is to preserve the status of the suit property, during the pendency of litigation. The Appellate Court further held that, notwithstanding the clarification issued by the learned District Judge, Delhi regarding the interregnum between 26.07.2023 and 07.03.2024, the intention of the Court to maintain status quo in respect of the suit property remained evident throughout. ***The Appeal, was dismissed vide Judgment dated 4.11.2025.***

23. Aggrieved by the dismissal of the Regular First Appeal, *the present Second Regular Appeal under Section 100 of CPC, has been filed to challenge the impugned Judgment dated 4.11.2025.*

24. *The Appellant, Jasmine has preferred present Regular Second Appeal, wherein proposed substantial questions of law were framed, as under:*

“i. Whether Registrar can refuse registration of document on the ground that at the time of presentation there was no status quo but subsequently it came to operate?”



ii. *Whether Section 52 of Transfer of Property Act, 1882 bars transfer of property inter vivos?*

iii. *Whether courts below had not erred in appreciating the provisions of Section 47 of the Registration Act, 1908?*

iv. *Whether courts below had not erred in appreciating the provisions of duties of Registrars as provided under Section 59 of the Indian Registration Act, 1908?*

v. *Whether a direction to a party to maintain status quo qua property, prohibits Registrars to register a document of such property?*

vi. *Whether the Courts below had not committed an error in rejecting the plaint and dismissing the appeal of the Appellant in a cryptic manner?*

vii. *Whether Courts are bound to give reasons for not continuing with the status quo directions in the legal proceedings?*

viii. *Whether the judgment titled “Yogesh Goyanka vs. Govind & Ors. in Civil Appeal No. 7305 of 2024 is not applicable in the present case?”*

25. The **grounds of challenge** are that the learned Trial Court as well as the learned First Appellate Court, failed to correctly appreciate *the scope and effect of Section 52 of the Transfer of Property Act, 1882*, and erroneously proceeded on the assumption that the said provision creates an absolute bar on the transfer and registration of property, during the pendency of a suit.

26. According to the Appellant, both Courts overlooked the settled legal position that the doctrine of *lis pendens* does not render transfers *pendente*



lite void ab initio, but merely subjects the rights flowing therefrom, to the outcome of the pending litigation. The Appellant submitted that despite the Order dated 16.05.2024 passed by the learned District Judge expressly clarifying that no *Order of status quo* was operating between 26.07.2023 and 07.03.2024, the Courts below incorrectly upheld the refusal of registration of the Sale Deed.

27. The Appellant has also questioned the distinction drawn by the learned First Appellate Court in respect of the decision of the Supreme Court in Yogesh Goyanka v. Govind & Ors., Civil Appeal No. 7305 of 2024, notwithstanding its recognition of the settled principle that Section 52 of the Transfer of Property Act does not invalidate transfers effected during the pendency of litigation.

28. It is further claimed that the legality of the registration process ought to have been examined with reference to the date of execution and presentation of the Sale Deed and not with reference to the date on which the Registering Authority passed its Order.

29. The Appellant further asserted that the *Sections 47, 59 and 60 of the Registration Act, 1908, were not properly appreciated*. It is stated that, once the Sale Deed had been duly executed and presented for registration at a time when no *Order of status quo* was in operation, Respondent No. 1 was under a statutory obligation to register the document and issue the Certificate of registration. According to the Appellant, the subsequent continuation of the *status quo Order*, could neither invalidate the presentation of the Sale Deed nor justify refusal of its registration.

30. *It has been erroneously held by both the courts that the Suit was liable to be rejected under Order VII Rule 11(d) CPC, by misapplying the*



doctrine of *lis pendens* and by holding that the registration of the Sale Deed would amount to circumventing the Orders passed in Civil Suit No. 981/2022.

31. The Appellant contended that the impugned judgments proceed on an erroneous interpretation of law and fail to consider that the transfer in question, was inter se parties to the pending suit and, therefore, did not warrant rejection of the plaint at the threshold.

32. ***Therefore, the impugned Judgements of both the Courts be set aside and the Suit filed by the Appellant, be decreed.***

Submissions heard and record perused.

33. At the outset, it may be noted that the present matter arises in a Regular Second Appeal under Section 100 of CPC, wherein the scope of interference with the concurrent findings by both the courts, is confined to *substantial question of law*. Although the Appellant has raised several “substantial” questions, essentially, they all pertain to findings of fact. In such circumstances, unless a grave legal error is shown, the concurrent findings and inferences of the Civil Judge and the District Judge must prevail. In the present appeal, the following questions arise for consideration:

“i. Whether Registrar can refuse registration of document on the ground that at the time of presentation there was no status quo but subsequently it came to operate?”

ii. Whether Section 52 of Transfer of Property Act, 1882 bars transfer of property inter vivos?”

34. In order to appreciate the contentions raised in the present Appeal, it *would be pertinent to refer to the relevant facts*. Essentially, the Appellant



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had instituted a Suit under Section 77 of the Registration Act, 1908, seeking a direction to register the Sale Deed dated 28.02.2024, executed by Respondent No.3, Sh. Apninder Singh in respect of the Suit Property, which was denied by the learned Registrar on account of *status quo* Order dated 01.11.2022 passed by the Court in Civil Suit No.981/2022 titled as '*Sahaj Notay v. Gurcharan Kaur & Ors.*' The reason given by the learned Registrar for declining the registration of Sale Deed was grant of *status quo* by learned District Judge.

35. The main contention raised by the Appellant before the learned Civil Judge, as well as in the First Appeal before the learned District Judge, was that though an *interim status quo* Order was passed on 01.11.2022, which continued till 26.07.2023, but for the integrum period from 26.07.2023 till 07.03.2024, there was no continuation of the *status quo* Order by the court of learned District Judge. The Sale Deed had been executed on 28.02.2024 and was presented for registration before the learned Registrar in the office of the Sub-Registrar, during this integrum period when there was no *status quo* Orders existing. Despite this, Defendant No.1 sought confirmation as to whether any *status quo* order was operating in respect of the suit property. Thereafter, *vide* order dated 16.05.2024, the Court clarified that no *status quo* order had been in force in respect of the suit property till 07.03.2024. Pursuant thereto, the Appellant approached the office of the Sub-registrar on 20.05.2024. However, Defendant No. 1, Sub-Registrar- III had already rejected the registration of Sale Deed *vide* order dated 04.04.2024.

36. The first pertinent aspect is that there was an *interim status quo* Order till 26.07.2023, as noted by the learned District Judge, though in the interim



period, the *status quo* Order could not be continued. Learned District Judge was on leave and eventually on 07.03.2024 the Order was continued.

37. Learned District Judge had rightly observed in the impugned Order that even though for the brief period the *status quo* Order could not be continued, but the intention of the learner District Judge was very clear that the *status quo* of the suit property, be maintained.

38. Despite being aware of the *interim status quo* Orders, Appellant had chosen to take advantage of the short window, during which the *status quo* was not extended and tried to take an undue advantage by executing a Sale Deed dated 26.02.2024. However, the learned Sub-Registrar was correct in seeking clarification, if there is any *status quo* prevailing on the Suit Property. The *status quo* Orders were continued from 07.03.2024 till further Order.

39. Thus, learned Registrar, in view of the *status quo* Orders on the Suit Property, was justified in denying to register the Sale Date *vide* Order dated 04.04.2024, on which date the *status quo* Order was in existence. Therefore, it is evident that in the Civil Suit No.981/2022, which was for Partition and Permanent Injunction, while granting *status quo*, it was intended that till the Suit is decided, the corpus i.e. the suit property needs to be maintained. A small period, during which the *status quo* was not continued, cannot lead to any inference that the *status quo* Order was vacated or were not intended to be continued. This is more so, when this Order was specifically extended on 07.03.2024 till further Orders.

40. Therefore, learned Civil Judge as well as learned District Judge, rightly held that in the light of the *status quo* embargo, the learned Registrar could not have executed the Sale Deed.



41. In this regard, Section 52 of the Transfer of Property Act be referred, which specifically provides that in any Suit or Proceedings, in which any Right to Immovable Property is directly and specifically in question, the Property “*cannot be transferred or otherwise dealt with by any party to the suit or proceeding so as to affect the Rights of any other party thereto under any Decree or Order, which may be made therein, except under the Authority of the Court and on such terms as it may impose*”.

42. The two Courts rightly referred to Section 52 of TPA, to hold that where a suit in respect of the suit property is pending and a *status quo* order is operating, Section 52 bars any dealing with the suit property by the person concerned, during the pendency of the suit.

43. Pertinently, the *mala fide* intention of the Plaintiff is evident from the fact that despite there being a Suit for Partition pending, there was nothing, which prevented him from moving an Application before the learned Court and informing about the intended sale to Defendant No.3, Sh. Apninder Singh. The manner, in which the Sale Deed has been executed and sought to be registered during the small period of there being no *status quo*, clearly reflects the entire intent of the Plaintiff to get rid of the suit property.

44. The two substantial Question of Law are accordingly, answered against the Appellant.

45. Learned Civil Judge as well as learned District Judge have rightly held that there exists no right to get the Sale Deed registered during the pendency of the Civil Suit No.981/2022, wherein the parties have been directed to maintain the *status quo*.



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46. Needless to state that in terms of Section 52 of TPA, parties are at liberty to seek permission from the Court concerned, to get the Sale Deed registered.

47. There is no merit in the **present Regular Second Appeal, which along with pending Applications stands dismissed.**

(NEENA BANSAL KRISHNA)
JUDGE

JULY 13, 2026/RS/R