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

% **Date of Decision: 1st February, 2017**

+ **FAO 55/2017 & CM 4053/2017**

MOHD. AKRAM & ANR. Appellants
Through: Mr.Atul Kumar Sharma, Adv.

versus

MAQSOOD AHMAD BAJAJ Respondent
Through:

CORAM:
HON'BLE MR. JUSTICE J.R. MIDHA

JUDGMENT (ORAL)

CM 4053/2017

The delay of 13 days in filing the appeal is condoned.

The application is disposed of.

FAO 55/2017

1. The appellants have challenged the order dated 30th August, 2017 whereby the appellants, who are defendants no.1 and 2 before the Trial Court, have been restrained from selling, transferring, alienating or creating any third party interest in the suit property till the disposal of the suit.
2. The defendants have filed a suit for possession against the appellants who are contesting the same primarily on the ground of adverse possession. The learned Trial Court has observed that the question of adverse possession raised by the appellants would require evidence and the suit property needs to be preserved.
3. This Court agrees with the learned Trial Court that the suit

property has to be protected and the defendants cannot be permitted to sell, transfer, alienate or create any third party interest in the suit property during the pendency of the suit.

4. There is no merit in this appeal which is hereby dismissed.

5. Copy of this order be sent to the Trial Court as well as the respondent.

FEBRUARY 01, 2017
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J.R. MIDHA, J.

