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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **FAO(OS) 264/2016**

SATISH BANSAL

..... Appellant

Through: Mr.Neeraj Grover, Mr.Aditya Singh,
Advs.

versus

HARISH BANSAL & ORS

..... Respondents

Through: Mr.Ayush Sharma, Adv. for R-1,8,15
Mr.Mohit Mudgal, Adv. for R-2,10,11 along with
R-2 in person.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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25.09.2017

This intra-court appeal by Satish Bansal impugns the order dated 26.08.2016 passed by the learned Single Judge issuing summons in the suit and notice in the application for interim relief.

Appellant is aggrieved against refusal to grant ex-parte interim injunction in respect of the property bearing No.A-37, Kailash Colony, New Delhi (hereinafter referred as suit property) of which the appellant seeks partition claiming that the property belongs to Joint Hindu Family.

By order dated 16.09.2017, notice was directed to be issued in the present appeal and it was also directed that the respondents shall not part or create any third party interest in the suit property.

The respondents who are 15 in number including some minors have been served, except respondent Nos.3 and 4. Learned counsel for the

appellant has submitted that the said respondents in fact have been served through e-mail and have informed the appellant that they would take legal opinion and thereafter make statement before the learned Single Judge.

Learned counsel for the respondent Nos.2,10 and 11 states that the suit property is in their possession and respondent No.1. They do not presently intend to create any third party interest or transfer the suit property. However, some portion of the suit property is under tenancy of third parties. Learned counsel for the respondent No.1 has also made a similar statement.

We clarify that the statements made by the counsel are without prejudice and would not be viewed as an admission, accepting the case of the other side.

Be that as it may, learned counsel for the appellant states that he is satisfied with the statement made by counsel for the respondent Nos.1, 2, 10 and 11 to the effect that the said respondents do not presently intend to create third party interest or transfer the suit property.

It is pointed out that most of the respondents have filed their written statement including reply to the application for interim relief. Some of the respondents have submitted that the property is not a Joint Hindu Family property.

In view of the statements made by learned counsel for the appellant and learned counsel for the respondent Nos.1, 2, 10 and 11, the appeal is disposed of. Parties are bound by the statements made, which are subject to the decision of the application under Order XXXIX Rule 1 and 2 CPC. It is also clarified that the said respondents, if required and necessary, can move an application before the Single Judge for permission to transfer or creation

of third party interest in the property.

The date fixed before Joint Registrar i.e. 17th November, 2017 is cancelled.

SANJIV KHANNA, J

NAVIN CHAWLA, J

SEPTEMBER 25, 2017
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