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

+ EFA(OS) 37/2016

THE HIMACHAL PRADESH STATE  
COOPERATIVE BANK LTD

..... Appellant

Represented by: Mr.G.P.Pant, Advocate.

versus

RAGINI SINGH

..... Respondent

Represented by: Mr.K.K.Bhuchar & Mr.Atul  
Bhuchar, Advocates.

**CORAM:**

**HON'BLE MR. JUSTICE PRADEEP NANDRAJOG**

**HON'BLE MR. JUSTICE YOGESH KHANNA**

**ORDER**

% **23.03.2017**

EFA(OS) 37/2016

1. On January 02, 2017 notice was issued in the appeal on account of learned counsel for the appellant stating that when the suit was filed, vide order dated May 21, 1996, an injunction was issued against the defendants restraining them from selling, alienating, encumbering or disposing of property bearing No.B-837, New Subzi Mandi, Azadpur, New Delhi.

2. This is incorrect. The order dated May 21, 1996 passed in the suit and the application seeking interim injunction reads as under:-

*“Present: Mr.Chetan Sharma for plaintiff.*

S.No.1221/96

*Issue notice to the defendants, by ordinary process as well as by registered A.D. post, returnable on 18<sup>th</sup> of July 1996.*

I.A.4658/96

*Notice for 18<sup>th</sup> of July, 1996.*

*I have gone through the plaint as well as the application and the documents. Plaintiff has made out a prima-facie case for the grant of injunction. There shall be an injunction restraining the defendants from selling, letting, transferring, alienating, encumbering or disposing of in any manner whatsoever or otherwise parting with possession of properties bearing Shop/Site bearing No.218 in Block B measuring 636 sq.ft.in the layout plan of New Subzi Mandi, Azadpur, New Delhi and residential property bearing No.89, Hakikat Nagar, The Mall, Delhi, premises No.D-414, belongs to defendant No.6 and premises No.C-89, New Subzi Mandi, Azadpur, New Delhi, until further orders.*

*The defendants are further directed to furnish security for the suit amount within six weeks from today.*

*Dasti.”*

3. Thus, it is not a case where the subject property was owned by Gulshan Kumar J.D-2, who is the sole proprietor of J.D.-1 when the order attaching the property post-decree was issued. He had already conveyed the title to a third party who in turn conveyed the same to the respondent.
4. The suit was one for recovery of money.
5. Learned counsel for the appellant does not dispute that the facts noted by the learned Single Judge concerning title to the property in question are correct. If this be so, title in the subject property was not that of Gulshan Kumar when the warrant of attachment was issued.
6. Therefore, we affirm the impugned order and dismiss the instant appeal with costs in favour of the respondent Smt.Ragini Singh and against the appellant.

CM No.48151/2016

Dismissed as infructuous.

**PRADEEP NANDRAJOG, J.**

**YOGESH KHANNA, J.**

**MARCH 23, 2017**

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