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

+ **FAO(OS) 374/2016**

DR RAVI AGARWAL Appellant
Through Mr. S. Bhandari, Advocate.

versus

USHA KUMAR & ORS Respondent
Through Mr. Sumit Chander, Advocate.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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24.05.2017

This intra-Court appeal under Rule 10 of the Delhi High Rules read with Order XLIII Rule 1 of the Code of Civil Procedure, 1908, impugns order dated 15th November, 2016, whereby application for interim injunction under order XXXIX Rules 1 and 2 read with Section 151 of the Code filed by the appellant/plaintiff has been dismissed.

2. During the course of hearing, counsel for the parties have agreed as under:-

(i) In respect of ground floor of property number M-142, Greater Kailash-II, New Delhi, doctrine of *lis pendens* would apply and

interim injunction need not be granted.

(ii) Application I.A. No.14032/2016, which also relates to other estate left behind by late A.D. Agarwal, father of the appellant and the respondent Nos.1 and 2 would stand revived in respect of other estate and would be decided by the Single Judge on merits.

3. It is ordered accordingly.

4. It is clarified that the observations made in the impugned order and the present order are prima facie and will not be treated as binding or conclusive as the issues and questions raised have to be decided in the final judgment.

5. The appeal is disposed of in the aforesaid terms.

SANJIV KHANNA, J.

NAVIN CHAWLA, J.

MAY 24, 2017
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