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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(OS) 514/2019 & IA No.13848/2019 (u/O XXXIX R-1 & 2 CPC)
VIVEK BINDRA Plaintiff

Through: Mr.Gaurav Puri, Adv. with
Mr.Prakriti Nambiar, Adv. &
Ms.Aishwarya Chhabra, Adv.

Versus

GEETIKA BINDRA Defendant
Through: Mr.Akshat Gupta, Adv.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **23.01.2020**

1. This suit between the husband and wife, though originally filed for a declaration of the plaintiff-husband as the sole owner of an immovable property and the defendant-wife, though having her name in the title documents, having no right to the property; and, (b) for permanent injunction to restrain the defendant-wife from dealing with the property, on 1st October, 2019, when the same came up first before this Court, was confined by the senior counsel then appearing for the plaintiff, to that of prohibitory and mandatory injunction only and the claim for declaration was given up.

2. Summons of the suit were issued.

3. The counsel for the defendant appeared on 22nd November, 2019 and stated that the parties were in mediation and on confirmation whereof, the suit was adjourned to today.

4. Today, the counsel for the plaintiff states that mediation has failed.

5. The suit being only for permanent injunction to restrain a co-owner

from dealing with the property being property no.D-6/8, Phase II, Okhla Industrial Area, New Delhi and for mandatory injunction directing the defendant to hand over to the plaintiff the original sale deed with respect to the said property. I have enquired from the counsel for the defendant, whether the original sale deed is in custody or control of the defendant.

6. As usual, the counsel for the defendant states that he has not taken instructions and the defendant is not present.

7. The counsel for the plaintiff affirms that the sale deed is in the custody and control of the defendant.

8. I have enquired from the counsel for the plaintiff, whether the plaintiff intends to sue for partition, inasmuch as perpetual injunction cannot be granted against co-owner from dealing with the property.

9. Counsel for the plaintiff states that the suit for partition would be filed within thirty days of today.

10. In view of the aforesaid, the need for investigation qua custody/control of the sale deed is not felt and relief with respect thereto can be claimed in partition suit.

11. This suit is disposed of, by restraining the plaintiff as well as the defendant, till 15th March, 2020, from dealing with the property no.D-6/8, Phase II, Okhla Industrial Area, New Delhi, in any manner whatsoever including from alienating, encumbrances or parting with possession of the property and title deeds with respect to the same.

12. Decree sheet be prepared.

RAJIV SAHAI ENDLAW, J.

JANUARY 23, 2020/aa..
CS(OS) 514/2019

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