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

% Judgment delivered on: 29th September, 2021

+ **FAO 226/2021**

SH. RISHI RATHI Appellant

versus

MS. PARMINDER KAUR KHURANA Respondent

Advocates who appeared in this case:

For the Petitioner : Mr. Medhansu Tripathi, Advocate

For the Respondent : Mr. Ankur Sood & Ms. Romila Mandal,
Advocates (through VC)

CORAM:-

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J.

CM APPL. 34047/2021 (Exemption)

Allowed, subject to all just exceptions.

FAO 226/2021&CM APPL. 34046/2021 (stay)

1. Appellant impugns order dated 08.04.2021 whereby the application filed by the respondent under Order 39 Rules 1 and 2 CPC has been allowed and appellant has been restrained from selling, transferring, alienating or parting with or raising construction or making any change in the suit property, till the disposal of the suit.

2. Learned counsel for the appellant submits that the trial court has

erred in not noticing that in the written statement it was specifically stated that appellant has already let out the suit property on rent to one Ms. Manisha. He submits that is also so reflected in para 3.2 of the impugned order.

3. He submits that there is an apprehension that respondent may contend that after the passing of the order, premises have been let out and parted with possession in breach of the order.

4. Issue notice. Notice is accepted by learned counsel appearing for the respondent.

5. Learned counsel for the respondent, without prejudice, submits that the order would operate prospectively and not retrospectively and in case appellant has already let out the premises to Ms. Manish, the same would not be treated as a breach of the impugned order. He, however, disputes that property has been let out to Mrs. Manisha.

6. In view of the above, this appeal is disposed of with a direction that order dated 08.04.2021 shall operate prospectively and in case the property was already let out to Ms. Manisha before the passing of the impugned order the same shall not amount to a breach of the impugned order.

7. The appeal is disposed of in the above terms.

8. All rights and contentions of parties are reserved.

SEPTEMBER 29, 2021/‘rs’

SANJEEV SACHDEVA, J