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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of decision: 03.01.2022

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FAO(OS) (COMM) 168/2021 & CM Nos.44808-09/2021

RAHUL BHANDARE & ORS.

..... Appellants

Through : Mr Prosenjeet Banerjee, Ms Aanchal Kapoor, Ms Shreya Singhal and Mr Deepak Singh Rawat, Advs.

versus

A2 INTERIORS PRODUCT PVT. LTD.

..... Respondent

Through : Mr Mohit Chaudhary, Mr Kunal Sachdeva, Ms Anubha and Ms Mahima Ahuja, Advs.

CORAM:

HON'BLE MR JUSTICE RAJIV SHAKDHER

HON'BLE MR JUSTICE TALWANT SINGH

[Court hearing convened *via* video-conferencing on account of COVID-19]

RAJIV SHAKDHER, J. (ORAL):-

1. Notice in this appeal was issued on 17.12.2021, pursuant to which the respondent was served.

1.1. Accordingly, Mr Mohit Chaudhary, Advocate, has entered appearance on behalf of the respondents.

2. The order, which is impugned in the present appeal, is an interlocutory order dated 15.11.2021, passed by the learned Single Judge in I.A. No.14342/2021, preferred in CS(COMM) No.555/2021. The respondent [i.e., the plaintiff] had moved this application in the suit, under Order XXXVIII Rule 5 read with Order XXXIX Rules 1 and 2 of the Code of Civil Procedure, 1908 [in short "CPC"].

2.1. The operative directions issued by the learned Single Judge are contained in paragraph 13 of the impugned order. For the sake of convenience, the same is extracted hereafter :

“13. Till the next date of hearing, the parties shall maintain status-quo with respect to the title and possession of the properties being House No.C-109, South Ex-Part-II, New Delhi – 110049 and House No.1-2, Maharani Bagh, New Delhi-110065.”



NEUTRAL CITATION NO. 2022/DHC/000051

3. According to us, although counsel for the parties i.e., Mr. Prosenjeet Banerjee, who appears on behalf of the appellants and Mr. Mohit Chaudhary, who appears on behalf of the respondent, raised various contentions in the course of the proceedings, they agree that the best way forward in the present situation, given the fact that the application is pending adjudication, is that the appeal is disposed of with the following directions:

- (i) The learned Single Judge will list the above-mentioned interlocutory application [in short "I.A."] for hearing on merits after hearing both sides on a day convenient to court.
- (ii) That pending the above-mentioned I.A., for the moment, the only direction which will bind the appellants is that they will inform the court, at least two weeks before they intend to create any third party rights in the immovable property located at House No.C-109, South Ex-Part-II, New Delhi – 110049. A written intimation, in this behalf, will also be given to the respondent.
- (iii) The *status quo*, which was ordered by the learned Single Judge vis-à-vis the aforementioned property as well as the property located at House No.I-2, Maharani Bagh, New Delhi-110065 will, thus, dissolve.

3.1. It is ordered accordingly.

3.2. Needless to add that the order passed by us today will not impact the merits of the case. Both sides will be entitled to put forth their respective submissions before the learned Single Judge.

4. List the matter for directions before the learned Single Judge on 20.01.2022.

5. Consequently, pending applications shall also stand closed.

RAJIV SHAKDHER, J

TALWANT SINGH, J

JANUARY 3, 2022/aj