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

+ **FAO(OS) 3/2024, CM APPLs. 2214-2215/2024**

**HEENA LUTHRA**

..... Appellant

Through: Mr. Ashesh Lal, Ms. Rachna Lal, Mr.  
Raghav Parwatiyar, Mr. Abhinav  
Singh and Ms. Shikha Walia,  
Advocates

versus

**AARTI JUNEJA & ORS.**

..... Respondent

Through: None

**CORAM:**

**HON'BLE THE ACTING CHIEF JUSTICE**

**HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA**

**ORDER**

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**12.01.2024**

**CM APPL. 2214/2024 (for exemption)**

Allowed, subject to just exceptions.

Accordingly, this application is disposed of.

**FAO(OS) 3/2024, CM APPL. 2215/2024**

1. Present appeal has been filed challenging the impugned order dated 21<sup>st</sup> December, 2023 passed by the learned Single Judge in I.A. No. 23549/2023 in CS (OS)784/2023, whereby the parties were directed to maintain status-quo with regard to the title and possession of the six suit properties.



2. Learned counsel for the Appellant states that the learned Single Judge failed to appreciate that out of the six properties comprising the suit properties, two properties were self-acquired properties of Kavita Juneja and were gifted to the Appellant vide registered gift deed. He further states that the Appellant being the sole owner of one of such two suit properties i.e. LIG Flat bearing No.113-B in Block-A-1B, 1st Floor, Janakpuri, New Delhi-110052, has already sold the said suit property and handed over the possession of the property to the purchaser after receiving the sale consideration, much prior to filing of the suit. He further states that the said purchaser is not a party in the suit for partition filed by the Respondents.

3. Learned counsel for the Appellant states that the learned Single Judge failed to appreciate that Respondent No.1 had already received a considerable amount in the year 2017 from Late Kavita Juneja pursuant to settlement of the cases, and thus, the Respondents have no share in the suit properties gifted to the Appellant by Late Kavita Juneja.

4. However, in view of the fact that the impugned order is an ad interim order and the Order XXXIX Rule 1 and 2 application has not been disposed of till date, the present appeal is disposed of with a direction to the Appellant to file his written statement and reply to Order XXXIX Rule 1 and 2 application within two weeks. Rejoinder affidavit, if any, be filed within a further period of two weeks. The matter is directed to listed before the learned Single Judge on 28<sup>th</sup> February, 2024 for hearing and disposal of the injunction application. Since the date is only being pre-poned, no notice is being issued to the respondents. The change of date of hearing shall be intimated to the learned counsel for the Respondents in writing by learned counsel for the Appellant.



5. With the aforesaid directions, the present appeal stands disposed of. Pending application is disposed of. The rights and contentions of the parties are left open.

**ACTING CHIEF JUSTICE**

**MANMEET PRITAM SINGH ARORA, J**

**JANUARY 12, 2024/msh**