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

+ **CS(OS) 130/2023**

SH. RAMBIR TANWAR

..... Plaintiff

Through: Mr. Ashim Shridhar, Mr. Shashi
Pratap Singh, Mr. Sparsh Agarwal,
Advocates.

versus

GOLDEN BUILDERS PVT. LTD.

..... Defendant

Through: Mr. Lalit Gupta, Mr. Ankit Singh,
Advocates with Mr. R.K. Agarwal,
Director through VC.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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27.05.2024

I.A. 30416/2024*(for appropriate direction that the present suit be tied
alongwith CS(OS) 777/2022 and CS(OS) 209/2023) and CS(OS)*
130/2023

1. The present application has been filed by the plaintiff for a direction that the present suit being CS(OS) 130/2023, be tried and heard alongwith CS(OS) 209/2023 and CS(OS) 777/2022, which are pending before this Court and relate to the same property.

2. The present suit was the first of the three suits. It was filed by the plaintiff in the District Court, Saket for an injunction against the defendant from creating any third-party rights in the suit property. The



suit has been transferred to this Court by an order dated 06.02.2023 on a transfer petition filed by the defendant herein [TR.P. (C) 2/2023]. During the pendency of these proceedings before the District Court, an *ex-parte ad interim* order was passed on 25.03.2021, directing that the parties would maintain *status quo* with regard to the suit property until the next date of hearing. That order continues until today.

3. In the meanwhile, the plaintiff herein has also filed CS(OS) 209/2023 for specific performance of an alleged oral agreement to sell dated 16.08.2020 between the parties, with regard to the same property. The defendant has filed CS(OS) 777/2022 for possession, *mesne* profits and injunction. In CS(OS) 777/2022, the plaintiff herein has given an undertaking that he would not create any third-party rights in title, possession, nature and character of the suit property. It has also been directed that no construction will be carried on the suit property.

4. I have heard Mr. Ashim Shridhar, learned counsel for the plaintiff and Mr. Lalit Gupta, learned counsel for the defendant, who is instructed by Mr. R.K. Agarwal, Director of the defendant – Company. Mr. Agarwal is also present on video conference.

5. Learned counsel for the parties state that the rights of the parties would have to be determined in CS(OS) 209/2023 and CS(OS) 777/2022, that they will maintain *status quo* as to title, possession, nature and character of the suit property, and that no construction will be carried out thereupon.

6. The plaintiff has filed an undertaking to this effect in CS(OS) 777/2022 filed by the defendant. The defendant is directed to file a similar undertaking in the same suit.



7. Learned counsel for the parties state that no further orders are required in the present suit.
8. With the consent of learned counsel for the parties, the suit is taken on Board and is decreed to the extent that the defendant will not dispossess the plaintiff from the suit property, except in accordance with law. The decree is subject to orders to be passed in CS(OS) 777/2022 and CS(OS) 209/2023.
9. Decree sheet be prepared accordingly.
10. The present suit, alongwith pending applications, is disposed of.
11. The records of this suit be placed in a separate folder in the electronic files of CS(OS) 777/2022 and CS(OS) 209/2023.
12. Learned counsel assure the Court that the parties will proceed expeditiously in the pending suits and no unnecessary adjournments will be sought by either of them at any stage.

PRATEEK JALAN, J

MAY 27, 2024
'pv/Bhupi'/'