



2024:DHC:6173-DB



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

+ **FAO(OS) 112/2024 & C.M.Nos.46654-46656/2024**

BALVEEN SINGH CHADHA @ RICKY

.....Appellant

Through: **Mr.L.S.Solanki with Ms.Anu Solanki,**
Advocates.

versus

HARVEEN SINGH CHADHA @ LOVELY & ORS.....Respondents

Through:

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Date of Decision: 14th August, 2024

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

JUDGMENT

MANMOHAN, ACJ : (ORAL)

1. Present appeal has been filed challenging the order dated 15th May, 2024 passed by the learned Single Judge of this Court in I.A. No.22013/2023 in CS(OS) 712/2023, whereby the application filed by the Appellant (Plaintiff therein) under Order XXXIX Rules 1 & 2 of the Code of Civil Procedure, 1908 ("CPC") seeking an injunction against the Respondents from alienating the subject properties was dismissed on the ground that the Respondent No.1 (Defendant No. 1 therein) had a registered sale deed *vis* the subject properties in his favor. The subject suit has been filed by the Appellant herein seeking partition of the subject properties.

2. Learned counsel for the Appellant states that the learned Single Judge has failed to appreciate that not granting a stay order would result in multiplicity of litigation as the third parties, to whom the Respondents are proposing to sell the subject properties are builders and not the end users of

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FAO(OS) 112/2024

Page 1 of 2



the properties and there is a possibility that the subject properties may change multiple hands during the pendency of the suit proceedings.

3. He also states that the learned Single Judge has overlooked the sanctity of the documents (at pages 135 to 137 of the paper book) placed on record by the Appellant to show that the Respondent Nos.1 & 2 have not only admitted the fact of relationship and subsequent right of the Appellant to the subject properties but also admitted the fact that they were in the process of disposing of the suit properties.

4. A perusal of the impugned order reveals that the learned Single Judge has dismissed the injunction application of the Appellant in the underlying suit proceedings on the sole ground that a registered sale deed dated 21st September, 2005 had been executed in favour of the Respondent Nos.1 & 2.

5. This Court is in agreement with the view of the learned Single Judge that there is a presumption of genuineness attached to a registered sale deed. (See: *Jamila Begum vs. Shami Mohd.*, (2019) 2 SCC 727; *Prem Singh vs. Birbal*, (2006) 5 SCC 353 and *Rattan Singh vs. Nirmal Gill*, (2021) 15 SCC 300)

6. It is further settled law that the scope of interference in appeal against interlocutory order is restricted. (See: *Wander Ltd. & Anrs. vs. Antox India P. Ltd.*, 1990 (Supp) SCC 727)

7. Consequently, the present appeal along with the applications is dismissed.

ACTING CHIEF JUSTICE

TUSHAR RAO GEDELA, J

AUGUST 14, 2024/KA