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

+ **LPA 1156/2024**

CAPITAL LAND BUILDERS PVT LTD/SAppellant

Through: Mr. Ashish Negi, Mr. Keshav
Raheja & Ms. Himani
Aggarwal, Advs.

versus

SUB REGISTRAR & ORS.Respondent

Through: Mr. Tushar Sannu, Mr. Sahaj
Karan Singh, Advs.
Mr. Vivek Sharma, Mr. Vikas
Sharma, Advs for R-2.
Mr. Ashish Mohan and Mr.
Samarth Chowdhary, Advs. for
R-5.

CORAM:

HON'BLE MR. JUSTICE YASHWANT VARMA

HON'BLE MR. JUSTICE DHARMESH SHARMA

ORDER

% **26.11.2024**

CM APPL. 68841/2024 (Ex.)

Allowed, subject to all just exceptions.

The application is allowed.

LPA 1156/2024

1. This appeal is directed against the order dated 23 September 2024 passed by the learned Single Judge, dismissing a writ petition preferred by the appellant who had sought to assail the inaction of the Sub-Registrar in registering certain sale deeds.

2. It appears to have been averred before the learned Single Judge that in the absence of any interim restraint or injunction operating, the



Sub-Registrar was clearly unjustified in refusing to register the sale deed in question.

3. However, and as the learned Single Judge has noted, the intervenors in the proceedings had brought to the attention of the Court various orders of status quo which operated and thus clearly merited consideration of the Sub-Registrar.

4. This becomes evident from a reading of Paras 6.5, 6.6, 6.7 and 6.8 of the order challenged before us and which read as follows:-

“6.5 Mr. Yadav in RFA No. 346/2024 titled as **Ajay Yadav v. Capital Land Builders Pvt. Ltd & Ors.** and Mr. Narender Singh in RFA No. 345/2024 titled as **Mr. Narender Singh v. Capital Land Builders Pvt. Ltd & Ors.** assailed the aforesaid judgment of the Trial Court dated 24th January, 2024. In RFA 346/2024, this Court passed an order dated 21st May, 2024 in the following terms:

“1. The instant regular first appeal under Section 96 of the Code of Civil Procedure, 1908 has been filed on behalf of appellant seeking the following reliefs:-

“A. Allow the present appeal and set aside the Impugned Judgment and Decree dated 24.01.2024 passed by the Sh. Ramesh Kumar, Ld. Additional District Judge, Shahdara District, Karkardooma Courts, Delhi in CS No. 513 of 2020 titled as,, Capital Land Builders Pvt. Ltd. v. Narender Singh & Ors.’;

B. Pass any other order or direction as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case and in the interest of justice.”

2. Heard

3. Issue notice. Notice is accepted by learned counsel for the respondents. On instructions, he submitted that after passing of the impugned judgment and decree dated 24th January, 2024, the respondents have already executed the sale deed dated 27th March, 2024 in favour of a third party namely Ms. Usha Rani.

4. At this juncture, learned counsel appearing on behalf of appellant submitted that the said sale deed which has been claimed to be executed by the respondents is not registered.



Hence, it is contended that the balance of convenience lies in favour of the appellant and serious prejudice would be caused to the appellant if the stay of the operation of the impugned judgment and decree dated 24th January, 2024 is not granted.

5. Heard and perused the record.

6. In regard to the prayer of the appellant with respect to the interim relief, this Court is of the view that the instant matter requires consideration as the sale deed that is claimed to be executed by the respondents in favour of a third party, is pending adjudication before this Court, and, prima facie, the balance of convenience lies in favour of the appellant.

7. **Therefore, in the interest of justice, any implementation and the resultant of the impugned judgment and decree dated 24th January, 2024 shall be kept in abeyance till the next date of hearing.**

8. List on 5th August, 2024.

9. In the meantime, learned counsel appearing of the parties are directed to file written submissions alongwith convenience compilation.

10. Lower Court Record be requisitioned before the next date of hearing.”

6.6 Furthermore, there exists a factional dispute within the Petitioner Company, involving factions led by Ch. Brahm Prakash, Mr. Sachdeva, and Mr. Kishori Lal. In FAO(OS) 90/2019, titled **M/s Capital Land Builders Pvt. Ltd. v. M/s Shaheed Memorial Society (Reg) & Ors.**, this Court, through its order dated 26th April, 2024, directed the Petitioner to maintain the *status quo* concerning its assets. The relevant portion of the order reads as follows:

“Learned counsel for the appellant/non-applicant fairly states that till the matter is heard by the learned Single Judge next week, the appellant shall maintain status quo with regard to the assets of the appellant company.”

6.7 Thereafter this Court in CS(OS) 1906/2006, through order dated 3rd May, 2024 had recorded the following:

“Learned counsel for the plaintiffs submits that there would be no change in the status till the next date of hearing.”

6.8 The above facts demonstrate that the Petitioner has concealed the aforesaid orders from this Court, and that their submissions are misleading and contravene the *status quo*/ stay orders passed by this Court in Suit bearing CS(OS) No. 1906/2006 and Appeal



bearing RFA No. 346/2024, which are presently pending before this Court.”

5. The learned Single Judge has thereafter been constrained to render the following observations:-

“7. In light of the above circumstances, the pertinent question before this Court is whether the Petitioner has deliberately misled the Court by failing to disclose the relevant documents and orders. Mr. Gupta, counsel for the Petitioner, attempts to justify this omission by arguing that there was no requirement to place these documents on record. He asserts that the Petitioner, is not challenging the Respondent’s specific order of refusal concerning the Subject Property. Instead, the Petitioner seeks a broader direction from this Court to facilitate the registration of any and all sale deeds executed by the Petitioner. However, this explanation is not entirely convincing. The orders in question, particularly those imposing *status quo* on the Petitioner’s assets, are directly relevant to the relief sought in the present case. By omitting to file these documents, the Petitioner appears to have disregarded the broader context and potential legal restrictions surrounding the registration of property transactions. Proper disclosure of these orders was not only necessary for transparency, but also crucial for this Court to make an informed and equitable decision. Furthermore, the fact that the Petitioner seeks a blanket order from this Court, while glossing over previous status quo orders, raises serious concerns as to whether the Petitioner has acted in good faith.”

6. On an overall conspectus of the aforesaid, we find no merit in the instant appeal. It shall stand dismissed.

YASHWANT VARMA, J.

DHARMESH SHARMA, J.

NOVEMBER 26, 2024/DR