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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **FAO(OS) 180/2024 and CM APPL. 74509/2024, CM APPL.74510/2024**

SH. SUBHASH CHANDRA JARODIAAppellant
Through: Mr. Vikramjeet Singh Ranga and
Mr.Subhash Chandra Jarodia,
Advocates.

versus

SH. VIJAYINDER KUMAR & ORS.Respondents
Through: Mr. Ashutosh Nagar, Advocate for
R1.

CORAM:
HON'BLE MS. JUSTICE REKHA PALLI
HON'BLE MR. JUSTICE SAURABH BANERJEE

% **ORDER**
19.12.2024

CM APPL. 74507-74508/2024

1. Exemptions allowed, subject to all just exceptions.
2. The applications stand disposed of.

FAO(OS) 180/2024

3. The present appeal filed by the appellant under Section 10 of the Delhi High Court Act, 1966 read with Order XLIII Rule 1(r) of the Code of Civil Procedure, 1908 seeks to assail the order dated 05.11.2024 passed by the learned Single Judge in CS (OS) 441/2023. Vide the impugned order, the learned Single Judge has allowed the application preferred by the respondent no. 1/defendant no. 1 being I.A.32144/2024 and has consequently, permitted the appellant to use/ or occupy/ let out the suit property as per his discretion.



4. The learned Single Judge has, however, clarified that the respondent will not be permitted to sell or mortgage the suit property without giving prior intimation to the Court.
5. After some arguments, learned counsel for the appellant submits that the appellant will be satisfied in case this Court were to clarify that the term 'prior intimation' to the Court as used in paragraph 18 of the impugned order would imply that the respondent would be required to take prior permission from the Court before selling or mortgaging the property.
6. Learned counsel for the respondent/defendant no. 1, who appears on advance notice, has no objection to this clarification being issued by this Court.
7. In the light of this stand taken by the respondent as also upon a cumulative reading of paragraphs 17 and 18 of the impugned order, we dispose of the appeal, by clarifying that the respondent/defendant no.1 would not be entitled to sell or mortgage the suit property, without seeking prior permission from the learned Single Judge in the pending suit.
8. The appeal, alongwith the pending applications, is accordingly disposed of.

REKHA PALLI, J

SAURABH BANERJEE, J

DECEMBER 19, 2024/uk