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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **FAO(OS) 20/2025, CM APPL. 8680/2025-Stay, CM APPL. 8681/2025-Exp, CM APPL. 8682/2025-Exp** from filing entire record of suit.

MRS MEENAKSHI SHARMAAppellant
Through: Ms. Zubeda Begum, Mr. Kailash Sharma, Ms. Venessa Singh and Ms. Geetanjali Tyagi, Advocates
versus

MR RAJESH PRASHARRespondent
Through: Advocate (appearance not given)

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

ORDER
13.02.2025

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1. The present appeal under Order XLIII Rule 1 of the Code of Civil Procedure, 1908 (CPC) seeks to assail the order dated 03.12.2024 passed by the learned Single Judge in CS (OS) 457/2023. Vide the impugned order, the learned Single Judge has rejected the application of the respondent/ plaintiff under Order XXXIX Rule 1 & 2, CPC being I.A. No. 14383/2023 by *inter alia* clarifying that in the facts of this case, the principal of *lis pendens* will not apply to the suit property.
2. After some arguments, learned counsel for the appellant submits that the main grievance of the appellant is qua the findings recorded by the learned Single Judge from paras 8.7 to 8.10 of the impugned order. As per the learned counsel, the same have been recorded without even granting an



opportunity to the appellant to lead evidence and, such findings can prejudice the right of the appellant at the time of final hearing of the suit. She, therefore, submits that the appellant would be satisfied if at this stage this Court would only clarify that the said observations made in the impugned order are only *prima facie* in nature and will not have any bearing on the final adjudication of the suit.

3. Learned counsel for the respondent who appears on advance notice, has no objection to this limited request.

4. The appeal alongwith the pending applications is accordingly, disposed of by directing that the observations recorded in the impugned order will only be treated as a *prima facie* expression of opinion and will have no bearing on the final adjudication of the suit, which needless to say will be determined on the basis of evidence to be led by both parties.

REKHA PALLI, J

SAURABH BANERJEE, J

FEBRUARY 13, 2025/So