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

+ **FAO 104/2018 & CM APPL. 10179/2018**

**RAM RATI**

.....Appellant

Through: Mr. S.K. Bhaduri and Ms. Neetu Gupta, Advocates.

versus

**SAT BIR & ANR**

.....Respondents

Through: Mr. N.K. Aggarwal, Ms. Sanjana Antil, Ms. C. Revathy and Mr. Akash Verma, Advocates.

**CORAM:**

**HON'BLE MS. JUSTICE CHANDRASEKHARAN SUDHA**

**ORDER**

**11.11.2025**

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1. This is an appeal challenging the order passed by the trial court under Order XXXIX Rules 1 and 2 of CPC as per which the appellant/ defendant has been restrained from creating any third party interest in the property or entering into the property. It is quite vehemently and persuasively argued by the learned counsel for the appellant that the impugned order needs to be interfered with as he has been injuncted/ restrained from entering into his own property. He further submits that he has no objection to the



part of the order restraining creation of any third party interest in the property. It is submitted by learned counsel that there is no agreement for sale executed by the appellant/ defendant in favour of the respondents/ plaintiffs. On the other hand, it is only a mere power of attorney that has been executed which does not confer any right on the respondents/ plaintiffs. He also submits that he continues to be in possession of the property and, therefore, the order restraining him from entering the property needs to be interfered with.

2. On the other hand, it is submitted by learned counsel for the respondents/ plaintiffs by referring to paragraph 7 in the written statement filed by defendant no.1 in which they have clearly admitted that the possession of the disputed property has been given to the respondents for cultivation. The contentions in the written statement make it obvious that possession has been handed over and hence, there is no infirmity in the order of the trial court calling for an interference by this Court.



3. When such an argument was advanced, the learned counsel for the appellant/ defendant submitted that the possession that is admitted in the aforesaid paragraph of the written statement is only possession for the purpose for cultivation in the property. Even assuming the case of the respondents/ plaintiffs to be true, they are only his agents, and the appellant/ defendant as the principal has every right to visit the property and to check whether the agent is acting in accordance with his directions.

4. Heard both sides.

5. Going by the contentions in the written statement, even if it is for the limited purpose of carrying out cultivations in the property, possession is seen to have been handed over to the respondents/ plaintiffs. The submission of the learned counsel for the appellant/ defendant that the possession that is referred to in paragraph 7 is for the limited purpose of carrying out agricultural operations is recorded. The nature of the agreement and the question whether the respondents/ plaintiffs are entitled to a decree



as prayed for in the plaint are matters that need to be decided after the trial court takes evidence in the matter. Till the disposal of the case, the subject matter of the property needs to be protected and preserved.

6. I do not find any infirmity in the order that has been passed by the trial court restraining the parties from creating third party interest and also restraining the appellant/ defendant from entering the property. If the request of the learned counsel for the appellant/ defendant that he be permitted to enter the disputed property and conduct supervision is permitted, it would only further aggravate the matter especially as the parties are not in good terms. Any untoward incident in the property will have to be avoided at all costs. Therefore, the impugned order shall continue till the suit is finally disposed of by the trial court. In the meantime, it is made clear that neither of the party shall create any third party interest in the property or do any act(s) which would adversely affect the disputed property.



7. Appeal stands disposed of accordingly. Pending application(s), if any, shall stand closed.

**CHANDRASEKHARAN SUDHA, J**

**NOVEMBER 11, 2025**  
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