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

+ **FAO(OS) 94/2022 & CM APPL. 37866/2022 –Stay.**

OM PRAKASH ARORA

.....Appellant

Through: Mr. J.S. Bakshi, Senior Advocate
with Mr. Praveen Kumar, Mr. Nitej
Kumar, Mr. Kumar Shubham,
Mr.Amolak Singh and Mr. Chahat
Gupta, Advocates.

versus

MEENAKSHI SARDANA & ORS.

.....Respondent

Through: Mr. Sanjiv Kakra, Senior Advocate
with Mr. Akash Madan, Advocate for
R-1 and R-3.

Mr. Sanjeev Sindhwani, Senior
Advocate with Mr. Sanjay Dua and
Mr. Gaurav Sindhwani, Advocates for
R-4 to R-7.

+ **FAO(OS) 136/2022 & CM APPL. 51495/2022 –Stay.**

OM PRAKASH ARORA

.....Appellant

Through: Mr. J.S. Bakshi, Senior Advocate
with Mr. Praveen Kumar, Mr. Nitej
Kumar, Mr. Kumar Shubham,
Mr.Amolak Singh and Mr. Chahat
Gupta, Advocates.

versus

MEENAKSHI SARDANA & ORS.

.....Respondent

Through: Mr. Sanjiv Kakra, Senior Advocate
with Mr. Akash Madan, Advocate for
R-1 and R-3.

Mr. Sanjeev Sindhwani, Senior
Advocate with Mr. Sanjay Dua and
Mr. Gaurav Sindhwani, Advocates for
R-4 to R-7.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE SAURABH BANERJEE



ORDER
04.02.2025

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1. The present appeals under Order XLIII Rule 1(r) read with Section 104 of Code of Civil Procedure, 1908 ('CPC') seek to assail the order dated 28.07.2022 passed by the learned Single Judge of this Court allowing I.A. No.7719/2022 and I.A. No.7720/2022 filed by the respondent no. 1 and respondent no.4 to 7 thereby vacating the interim order dated 07.07.2020 passed in OS (OS) No. 162/2020, vide which the parties had been directed to maintain status quo with regard to the title and possession of the property bearing number 21 and 21-A Tughlaq Road, New Delhi ('suit property').
2. We may note that while vacating the interim order dated 07.07.2020, whereunder, parties were required to maintain status quo, the learned Single Judge specifically directed that the respondents will not sell, encumber, mortgage or create third-party rights with respect to the undivided 6.25% share in the suit property of which the appellant claims to be the owner on the basis of a registered Will dated 23.10.2013.
3. After arguing the matter at some length, learned senior counsel for the appellant submits that taking into account that since the effect of the learned Single Judge vacating the *status quo* order would be that the respondents would be free to deal with their share in the undivided suit property as per law, he has instructions not to press the appeals any further. He, however, prays that it may be made clear that the respondents would enter into any transaction(s) qua their undivided share in the suit property only in accordance with law and will also be governed by the principles of *lis pendens*.
4. The appeals are, accordingly alongwith the pending applications,



disposed of as not pressed, making it clear that even though it will be open for the respondents to deal with their undivided share in the suit property as per law, any transaction in which the respondents enter into would be governed by the principles of *lis pendens*.

5. Since the appeals are being disposed of as not pressed, we make it clear that the learned Single Judge will not be influenced by the observations made in our order dated 30.01.2025, which were only *prima facie* in nature.

REKHA PALLI, J

SAURABH BANERJEE, J

FEBRUARY 4, 2025/uk