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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **FAO(OS) 95/2025, CM APPL. 53162/2025 (Ex.) & CM APPL. 53163/2025 (Ex. from filing lengthy synopsis and list of dates)**

GITANJALI KHANNAAppellant

Through: Ms. Warisha Farasat and
Ms.Suvarna Swani, Advocates

versus

TARINI MEHTA & ORS.Respondents

Through: Mr. Mandeep Singh Vinaik,
Ms. Ragni Vinaik, Ms.
Thanglunkim, Mr. Gaikhualung
and Ms. Varshita Verma,
Advocates for R-1.
Mr. Jagdeep Singh Lamba,
Advocates for R-3 & R-4.

CORAM:
HON'BLE MR. JUSTICE ANIL KSHETARPAL
HON'BLE MR. JUSTICE HARISH VAIDYANATHAN
SHANKAR

ORDER
08.12.2025

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1. The present Appeal, under Section 10 of the Delhi High Court Act, 1966, assails the Order dated 17.07.2025 [**"Impugned Order"**] passed by the learned Single Judge of this Court in I.A. No. 4542 of 2019 in CS(OS) No.558/2013, titled "*Tarini Mehta v. Sanjeev Chhabra & Ors.*". By way of the Impugned Order, the learned Single Judge dismissed Defendant No.3/Appellant's interim application seeking release of the keys to her portion of the Subject Property in favour of the Appellant/Defendant No. 3 therein.

2. Hereinafter, for the sake of clarity, the parties shall be referred



to in the same manner as they have been arrayed in CS(OS) No. 558/2013.

3. Mr. Goverdhan Lal Obhrai was the original owner of the property. He executed a Will granting life interest in his estate to his wife and two daughters while bequeathing the ultimate estate in favour of his granddaughters. Subsequently, granddaughters, being Defendant Nos. 4 & 5, and one daughter, being the Defendant No.3, sold the property in favour of Mr. Sanjeev Chhabra and Ms. Suman Chhabra, being Defendant Nos. 1 & 2, respectively.

4. Ms. Tarini Mehta (Plaintiff No.1) and Ms. Radha Mehta (Plaintiff No.2), being granddaughters and daughter of Mr. Goverdhan Lal Obhrai, respectively, filed the suit being CS(OS) No.558/2013 challenging the sale deed executed by Defendant Nos. 3 to 5, which is pending.

5. On 24.05.2018, an application under Order XXXIX Rules 1 and 2 of the Civil Procedure Code, 1908, was disposed of while making an observation that Defendant Nos. 3 to 5 are also free to use their portion of the subject property without obstruction.

6. At present, the keys of half portion of the property are with the Court.

7. The record reflects that Defendant No. 3 never challenged the correctness of the sale in favour of Mr. Sanjeev Chhabra and Ms. Suman Chhabra, and at present, the suit filed by the Plaintiffs is pending.

8. Keeping in view of the facts and circumstances, this court of the considered view that delivery of possession/keys to Defendant No. 3 would create unwarranted complications, which may lead to lingering on the adjudication of issues in the suit, hence, let the Court preserve



the Suit Property.

9. With these observations, the present Appeal, along with pending application(s), if any, is dismissed.

ANIL KSHETARPAL, J.

HARISH VAIDYANATHAN SHANKAR, J.
DECEMBER 08, 2025/rk/her