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

+ **FAO(OS) 152/2025 & CM APPL. 77958/2025 (EXP)**

MUKESH SAINI

.....Appellant

Through: Appellant in person.

versus

MADAN LAL SAINI (SINCE DECD) THR LRS AND ORS

.....Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

HON'BLE MR. JUSTICE HARISH VAIDYANATHAN

SHANKAR

ORDER

10.12.2025

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1. The present Appeal has been filed under Section 10 of the Delhi High Court Act, 1966, read with Order XLIII Rule 1 of the Code of Civil Procedure, 1908, assailing the Order dated 14.08.2025 [**“Impugned Judgment”**], passed by the learned Single Judge of this Court in CS(OS) No. 1169/2014, titled “*Mukesh Saini Vs. Madan Lal Saini (Since Deceased) & Ors*”. By way of the Impugned Judgment, the learned Single Judge has been pleased to pass orders for releasing the amount in favour of Respondent Nos. 1, 2 and 3 herein.

2. Learned Single Judge has ordered the distribution of Rs. 1.3 crores amongst Respondent Nos. 1, 2 and 3 herein.

3. This amount has been received as Appellant’s father had executed an agreement to sell dated 27.01.2014 in favour of the



Respondents Nos. 4 and 5.

4. The interest of the Appellant has already been secured by directing the Respondent Nos. 4 & 5 to deposit Rs. 48,00,000/- in the Court on 10.07.2018.

5. Appellant submits that the Impugned Order passed by the learned Single Judge is in violation of the order passed in SLP (C) Nos. 45564-4557/2024.

6. This Court has examined the matter. The Order passed by the Hon'ble Supreme Court reads as under:

“We have heard learned senior counsel appearing for the petitioner and learned counsel appearing for the respondents.

We have been informed that the sale deed has already been executed. We only say at this stage that the execution of the said sale deed will be subject to the decree that is to be passed.

In such view of the matter, we are inclined not to go into the issues raised.

The Special Leave Petitions are, accordingly, disposed of.

Pending application(s), if any, shall stand disposed of.”

7. A perusal of the aforesaid Order indicates that the Hon'ble Supreme Court has not issued any direction restraining the release of the amount to Defendant Nos. 2, 3 and 4.

8. The Appellant has only filed a suit for partition, and he is one of the four children of Sh. Madan Lal Saini and Smt. Asha Rani.

9. In any event, should the Appellant ultimately succeed in the suit, his interest has already been protected. Moreover, the Court has sufficient powers to order restitution if required. Hence, there is no ground to interfere.

10. Accordingly, the present Appeal with all pending application(s),



if any, is dismissed.

ANIL KSHETARPAL, J.

HARISH VAIDYANATHAN SHANKAR, J.
DECEMBER 10, 2025/ v/her