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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **FAO(OS) 175/2018 and CM Nos.49464/2018 and15115-16/2025**

ILA PATNAIK

.....Appellant

Through: Ms Sonia Mathur, Senior Advocate
with Mr Hemant Phalpher, Ms Shubi
Bharadwaj and Ms Anisha Goyal,
Advocates.

Versus

DELHI DEVELOPMENT AUTHORITY & ORS.Respondents

Through: Mr Arjun Pant, Advocate for DDA.
Ms Pooja M. Saigal, Senior Advocate
with Mr Piyush Singh, Mr Akshay
Srivastava and Mr Vivek Kumar,
Advocates for R-2.

CORAM:
HON'BLE MR. JUSTICE VIBHU BAKHRU
HON'BLE MR. JUSTICE TEJAS KARIA

ORDER
12.03.2025

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1. The appellant has filed the present appeal impugning an order dated 14.11.2018 passed by the learned Single Judge whereby the learned single Judge had directed that *status quo* be maintained in respect of the Property bearing no.A-12, Neeti Bagh, New Delhi-110049 (hereafter **the subject property**), subject to certain conditions.
2. We consider it apposite to set out the operative part of the impugned order, which reads as under:

“15. As far as the interim relief is concerned, considering the



fact that the Will propounded by the defendant no.2 purportedly to be witnessed by two respectable senior counsels of this Court and if proved, the plaintiff will have no share in the property and further considering the fact that it is believable that the Will was not in the knowledge of the defendant no.2, I am of the opinion that equities will be balanced and ends of justice would be served if the following arrangement is made:

- (i) The trial of the suit is expedited and the suit taken up for hearing immediately on completion of trial.
- (ii) Either counsel does not take adjournment during trial and if seeks adjournment, consequences shall follow.
- (iii) The plaintiff be also restrained from selling, alienating and parting with possession and / or creating any third party rights in flat bearing No.B-34, Hill View Apartment, DDA Self-Financing, Vasant Vihar, New Delhi and deposits the original title deeds of the same before this Court, if desires continuance of the interim order and applicability of principles of *lis pendens* to the property.
- (iv) Liberty is given to the defendant no.2 to apply to this Court, if any transaction for sale or creation of other rights in the property materializes or if the plaintiff is found to be delaying.
- (v) If the plaintiff does not so deposit the title deeds within 15 days of today, the interim order shall stand vacated and the principles of *lis pendens* shall cease to apply to the property in terms of the dicta of the Supreme Court in ***Vinod Seth Vs. Devinder Bajaj*** (2010) 8 SCC 1.
- (vi) If the plaintiff deposits title deeds in this Court



and fails in the suit, it will be decided at that stage as to how much compensation the plaintiff should pay to the defendant no.2 for depriving the defendant no.2 of the beneficial use and enjoyment of the property during the pendency of the suit.

16. In terms of above, IA No.15329/2018 under Order XXXIX Rule 4 CPC as well as IA No.10408/2018 under Order XXXIX Rules 1 and 2 CPC are disposed of.”

3. There is no dispute that the property bearing no.B-34, Hill View Apartment, DDA Self-Financing, Vasant Vihar, New Delhi (hereafter **the collateral property**) does not belong to the respondents and belongs exclusively to the appellant. The appellant has been called upon to deposit the title deeds of the collateral property as a security for sustaining the *status quo* order granted on 06.08.2018.

4. Ms Saigal, the learned senior counsel appearing for the respondent submits that the direction to furnish the title deeds of the collateral property was issued as the same was volunteered by the appellant. This also appears from the earlier orders passed by the learned Single Judge. However, the appellant is aggrieved by the directions to provide such security and claims that the same is unwarranted.

5. Considering that there is some controversy as to whether the appellant had volunteered to furnish the title deeds of the collateral property as set out in the impugned order, we consider it apposite to set aside the impugned order and restore the respondent’s application for vacation of the interim order dated 06.08.2018 (being IA No.15329/2018) under Order XXXIX Rule 4 of the Code of Civil Procedure, 1908 before the learned Single Judge



for consideration afresh.

6. The appeal is disposed of in the aforesaid terms.
7. All interim orders passed by this Court stands vacated.

VIBHU BAKHRU, J

TEJAS KARIA, J

MARCH 12, 2025
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Click here to check corrigendum, if any