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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **FAO 29/2026, CM APPL. 7605/2026 and CM APPL. 7606/2026**
DAYA NAND BUTTAAppellant
Through: Mr. A.K. Singla, Sr. Advocate with
associate counsel (appearance not given)

versus

GAURAV BUTTA & ORS.Respondents
Through: Appearance not given

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER
04.02.2026

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1. By way of the present appeal, the appellant seeks setting aside of the order dated 27.01.2026, passed by the LD. DJ, *New Delhi District, Patiala House Court*, in Probate case no. 17/2015(9/16) titled as “*Sangeeta Butta & Another vs. State & Ors.*” whereby the application filed under Order XL Rule 1 of The Code of Civil Procedure, 1908 (CPC) seeking appointment of a Receiver in respect of property bearing *Flat No. 16, Khan Market, New Delhi* was dismissed as the appellant suspected the respondents to be creating third party rights in the aforesaid flat.
2. Learned counsels for the parties inform that the matter is at the stage of recording the appellant’s evidence, which is now scheduled to be on 11.02.2026 before the Local Commissioner.
3. Mr. *Singla*, Learned Senior Counsel for the appellant, on instructions, submits that the appellant shall appear before the Local Commissioner on the aforesaid date. It is also informed that the matter is listed before the Probate Court on 23.02.2026. Learned Senior Counsel contends that the said



application was necessitated as the respondents, who is the grandson of the testator, is trying to create third-party rights during the pendency of the probate case inasmuch as he has entered into an Agreement to Sell with respect to the aforesaid property.

4. During the course of submissions, learned counsel for the respondents, on instructions, though admits that an Agreement to Sell has been entered into, however, submits that no Sale Deed has been executed.

5. Learned Senior Counsel for the petitioner, on instructions, submits that, considering the aforesaid position, the prayer seeking restraint on creation of third-party rights may be considered.

6. It is further informed that though the partition suit has been preferred by one of the sisters, however, the subject property is not the subject matter of the said suit.

7. Considering the status of the case and the alternative prayer made, this Court deems it fit to direct the respondent to not to create any third-party rights and to maintain status quo as on date.

8. In view of the above, the present appeal, alongwith the pending applications, are disposed of.

9. Needless to state, the parties shall not seek unnecessary adjournments before the concerned court.

MANOJ KUMAR OHRI, J

FEBRUARY 4, 2026

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