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

+ **FAO 52/2026 & CM APPL. 10902/2026, CM APPL. 10903/2026**

DEVINDER MOHAN GUPTAAppellant

Through: **Mr. Hari Kishan and Mr. Akarsh
Sharma, Advocates**

versus

MUNICIPAL CORPORATION OF DELHI & ANR.....Respondent

Through: **Mr. Gaurav Sharma, Additional
Standing Counsel, MCD Ms.
Manpreet Kaur, Advocate**

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER
17.02.2026

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1. By way of present appeal, the appellant, who is the plaintiff before the Trial Court is aggrieved by the order dated 12.08.2025 vide which the application preferred by the plaintiff under Order XXXIX Rule 2A, CPC came to be dismissed.
2. The plaintiff claims that on filing of the suit for possession, recovery of damages/mesne profits and permanent injunction, the Trial Court passed an order on 04.07.2024, thereby directing the parties not to create any 3rd party interest till the next date of hearing. The order was continued on the next date, i.e. 08.07.2024. Notably, the initial plaint is stated to have been filed against 3 defendants, though memo of parties is not placed on record. However, Mr. Hari Kishan, learned counsel for the petitioner submits that initial plaint was filed by arraying *Ms. Gauri*, *Ms. Kiran* and *Ms. Meenu* as defendant no. 1, 2 and 3, respectively. He submits that thereafter an



application under Order 1 Rule 10, CPC, was also filed seeking directions to bring on record *Gurdeep Bhardwaj, Vinay Kumar, MCD and Sub-Registrar-VIII, Geeta Colony, Delhi* as additional defendants. Notice was issued to the aforesaid defendants. The impugned order also reflects that process was already issued to the proposed defendants.

3. The subject application was premised on the ground that after passing of the order dated 04.07.2024 by the Trial Court, the proposed defendants *Gurdeep Bhardwaj* and *Vinay Kumar* had fabricated an agreement to sell dated 29.09.2023 with respect to the suit property. Pertinently, the agreement dated 29.09.2023 was also registered with the *Sub Registrar-VIII, Geeta Colony Delhi*, on the same day. The plaintiff's claim that the said agreement was ante-dated, is unsubstantiated and unverified. By the impugned order, the Trial Court dismissed the application by observing that the alleged defendants were not even parties to the suit on the said date.

4. This Court finds no ground in the present appeal in as much as the agreement to sell on the basis of which the present application was filed and which is stated to be ante dated, was executed much prior to the passing of the impugned orders and was also duly registered with the office of Sub Registrar later. The plaintiff is yet to establish that the said agreement was ante dated or forged & fabricated.

5. In view thereof, finding no merit, the appeal is dismissed, along with pending applications.

MANOJ KUMAR OHRI, J

FEBRUARY 17, 2026

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