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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **FAO(OS) 44/2026, CM APPL. 22120/2026, CM APPL. 22121/2026 &
CM APPL. 22123/2026**
MOHD AQIL AND ORSAppellants

Through: Mr. B.B. Gupta, Sr. Adv., Mr. Achal
Gupta and Mr. Kalam Jain, Advs.

versus

HAMZAH MUNEER AND ANRRespondents
Through: Mr. Jai Sahaj Endlaw and Ms.
Sagarika Kaul, Advs.

CORAM:
HON'BLE MR. JUSTICE VIVEK CHAUDHARY
HON'BLE MS. JUSTICE RENU BHATNAGAR

ORDER
19.05.2026

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CM APPL. 22121/2026 (*Condonation of delay of 259 days in filing the appeal*)
&
CM APPL. 22123/2026 (*Condonation of delay of 12 days in re-filing the appeal*)

1. In view of the reasons assigned in the present applications, the delay is hereby condoned.
2. Accordingly, the present applications stand disposed of.

FAO(OS) 44/2026

3. The present appeal assails the Order dated 28.05.2025 ("impugned order") passed by learned Single Judge of this Court in I.A. 13716/2025 (under Order XXXIX Rule 1 and 2 CPC) in CS (OS) 353/2022 with the following directions:



“18. In the meantime, considering that IA. No. 9391/2022 is pending and the rights and contentions arising for consideration in these applications are identical, the interim order dated 02.06.2022 passed in IA. No. 9391/2022 is hereby extended to properties mentioned at paragraph 13 of this application.

19. Till the disposal of this application, defendant nos. 1 to 6 are directed to maintain status quo with respect to these properties, in addition to the properties, which already form subject matter of paragraph '14' of the plaint.”

4. Learned Senior Counsel for the appellant submit that he has no grievance with regard to the impugned status quo order passed by the learned Single Judge. He submits that his apprehension is that the observations and findings given in the impugned interim order may come in his way while arguing his suit at final stage. Thus, his request is that the same may not impact the independent hearing at the final hearing stage.
5. The findings given in order on application under Order XXXIX Rule 1 and 2 of CPC are only *prima facie* and summary in nature. Thereafter, the issues are to be framed and parties are to lead their detail oral and documentary evidence. It is only, thereafter, a final hearing takes place on the basis of such oral and documentary evidence submitted by the parties. Thus, any observations made or findings given in the interim order would not come in the way of the appellant at the stage of final hearing.
6. With the aforesaid, the present appeal is disposed of.
7. Pending application(s), if any, also stand(s) disposed of.

VIVEK CHAUDHARY, J

RENU BHATNAGAR, J

MAY 19, 2026/rs/nc