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

+ **FAO 358/2025 and CM APPL. 81647/2025**

DHANWANTI RAI (@) GUDIA

.....Appellant

Through: Mr.K. Venkatraman, Mr.Dinesh kumar
Chawla and Mr. Avinash, Advocates with
appellant in person

versus

SH. JAI RAM RAI

.....Respondent

Through: Mr.N. Sagar Varma, Mr.Vineet Kumar,
Ms.Priyanka Verma and Mr.Sourabh Soni,
Advocates

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

09.02.2026

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1. By way of the present appeal filed under Order XLIII Rule 1 of CPC, the appellant seeks to assail the order dated 14.11.2025 passed by the learned District Judge-04, East District, *Karkardooma* Courts, Delhi in CS No. 668/2022, whereby the application filed under Order XXXIX Rules 1 & 2 of CPC came to be dismissed.
2. Learned counsel for the respondent submits that the defendant is not the owner of the suit property and has been in possession thereof through the earlier allottee, *Vikram Wati, W/o Sh. Ram Prakash*. He further submits that a statement has been made before the Trial Court to the effect that the defendant will not create any third party interest in the suit property during the pendency of the suit. He, on instructions, reiterates the abovenoted undertaking of not to create any third party interest.



3. Learned counsel for the appellant disputes the aforesaid submissions.
4. However, keeping in view of the statement made before the Court, the present appeal is disposed of. The defendant is directed to maintain status quo during the pendency of the suit.
5. Needless to state, this Court has not expressed any opinion on the observations made by the Trial Court insofar as the maintainability of the suit is concerned.

MANOJ KUMAR OHRI, J

FEBRUARY 9, 2026

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