

(2025) 12 DEL CK 0043

Delhi HC

Case No: FAO No. 165 Of 2023 and Civil Miscellaneous Application Nos. 35362, 35363 Of 2023

Pooja Arora & Anr

APPELLANT

Vs

Meenakshi Gupta

RESPONDENT

Date of Decision: Dec. 4, 2025

Acts Referred:

- Code of Civil Procedure, 1908- Order 7 Rule 11, Order 39 Rule 1, Order 39 Rule 2, Order 43 Rule 1(r)
- Transfer of Property Act, 1882- Section 54

Hon'ble Judges: Chandrasekharan Sudha, J

Bench: Single Bench

Advocate: Dhiraj Sachdeva, Rajesh Rai, Amisha Ray

Final Decision: Dismissed

Judgement

Chandrasekharan Sudha, J

1. The present appeal under Order XLIII Rule 1(r) of the Civil Procedure Code, 1908 (the CPC), assails the order dated 08.06.2023 passed by the learned ADJ-06, West District, Tis Hazari Courts, Delhi in CS No. 1032/2022, whereby the trial court directed the parties to maintain status quo in respect of the suit property.

2. In the appeal, the parties herein shall be referred to in the same rank as they are arrayed in the original suit.

3. Brief facts necessary for adjudicating this appeal are as follows:- The sole plaintiff/respondent instituted a suit seeking cancellation of a Sale Deed dated 17.02.2021 executed in favour of defendant no. 1/appellant no. 1 herein, along with reliefs of possession and permanent injunction. The plaintiff claims title to the suit property through a registered sale deed dated 04.03.2021 and asserts that she was in control of the suit property prior to the alleged acts of trespass and demolition attributed to defendant no. 2/appellant no.2, leading to complaints to the local police.

3.1. It is the defendants' case that defendant no. 1 is the lawful owner of the suit property by virtue of Sale deed dated 17.02.2021, which was executed by the erstwhile owner Shri B.D. Kakkar. They assert that they have been in continuous, peaceful and uninterrupted possession of the property since 1996. It is also their case that the plaintiff's alleged chain of title, including the documents executed in favour of her vendor, is forged, fabricated,

unsupported by consideration and incapable of conveying any valid right or interest in the suit property.

4. The trial court, while observing that both the parties assert their title to the suit property on the basis of registered documents and that the question of possession is also in dispute, held vide the impugned order that the circumstances require the property to be preserved and thus directed the parties to maintain status quo until the suit is finally decreed by the trial court.

5. Aggrieved thereby, the defendants have approached this court challenging the impugned order.

6. It is submitted by the learned counsel for the defendants that the trial court failed to appreciate that defendant no.1 is the lawful owner of the suit property by virtue of Sale Deed dated 17.02.2021. The learned counsel emphasised that the said sale deed is earlier in point of time than the plaintiff's sale deed dated 04.03.2021, and hence, by the strength of Section 54 of the Transfer of Property Act, 1882, no valid title could have been conveyed to the plaintiff thereafter.

6.1 The learned counsel for the defendants would also submit that defendant no.1 was put into possession pursuant to the registered sale deed and that the trial court has ignored the material fact that, as on 04.03.2021, i.e., when the latter sale deed was executed, the vendor of the plaintiff, had no subsisting right, title or interest to convey. It is submitted that the plaintiff's documents are entirely fabricated, false and hold no legal validity.

6.2. It is further submitted by the learned counsel for the defendants that the plaintiff never had any possession of the suit property and that the allegations of trespass and demolition are unfounded. The learned counsel would also submit that the plaintiff's deed is sham as it is without consideration, and that the plaintiff herself admitted before the investigating officer in Crime No. 449/2021, Hari Nagar Police Station, West Delhi. It is asserted that the plaintiff's chain of title is a result of manipulation and forged documentation, whereas the defendants' chain flows directly from the original owner through valid documents. The learned counsel submitted that the trial court has wrongly allowed the plaintiff's application under Order XXXIX Rules 1 and 2 CPC, while dismissing the defendant's application under Order VII Rule 11 CPC and that the status quo order restrains the rightful owners from using their own property.

7. Per contra, the learned counsel for the plaintiff urged that the suit property is owned by the plaintiff on the basis of a valid registered Sale Deed dated 04.03.2021, and that the plaintiff was compelled to file the suit when the defendants began asserting ownership on the basis of sham documents. It is submitted that the defendants disturbed the plaintiff's continuous possession and attempted to create third-party rights in the property.

7.1 The learned counsel for the plaintiff, relying on the dictum of Suraj Lamp & Industries Pvt. Ltd., MANU/SC/1222/2011 and Manik Majumder v. Dipak Kumar Saha, MANU/SC/0021/2023, would contend that the defendants' claim of title through the documents such as General Power of Attorney dated 08.02.1996 and an agreement to sell is untenable in law, as such unregistered documents do not convey any valid right, title or interest.

7.2 It is submitted by the learned counsel for the plaintiff that the trial court had itself noted that both sides rely on registered documents, and in such circumstances, status quo was necessary to prevent any kind of irreversible harm to the suit property. It is submitted that the defendants are trying to have their defence upheld without trial and have preferred this appeal with an intention to delay the proceedings.

8. Heard both sides.

9. On perusal of the records, it emerges that the dispute between the parties, arise from their competing assertions of ownership and possession of the suit property. While the plaintiff asserts that their vendor had valid title to convey, and that she was holding control of the property prior to the defendants' alleged interference, on the other hand the defendants contend that their sale deed is prior in date and that they alone, were in possession and that the plaintiff's documents are forged and without any consideration. Both the parties are challenging the legitimacy of the other's title chain and possession, raising disputed factual questions that can be resolved only after evidence is led by both

the parties.

10. The principal issue that falls for determination before this court in the present appeal is confined to determine whether the trial court has committed any error in directing the parties to maintain status quo with respect to the suit property, pending adjudication of the suit.

11. Having considered the rival submissions and the impugned order, this court finds no reason to interfere with the discretion exercised by the trial court. This court is of the opinion that, the grant of an interim direction to maintain status quo, in a situation where both the parties rely on registered instruments, where possession is disputed and where allegations of fraud and fabrication are levelled by both the parties, is a balanced measure intended to preserve the property till the rights of the parties are adjudicated upon.

12. Therefore, this court is inclined to affirm the status quo granted by the trial court as preservation of the suit property in its existing condition is necessary to avoid any kind of irreversible prejudice to either side. At the same time, since the continuance of the order of status quo imposes restrictions on both the parties, the trial court will endeavour to dispose of the suit as expeditiously as possible.

13. It is clarified that nothing contained in this order shall affect the merits of the case.

14. Accordingly, the appeal is dismissed in the above said terms. Application(s), if any, pending, shall stand closed.