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

+ CS(OS) 427/2016

SH SATISH BANSAL

..... Plaintiff

Through: Mr. Neeraj Grover, Ms. Ayushi Chandra & Ms. Sunidhi Gupta, Advocates.

versus

HARISH BANSAL & ORS.

..... Defendants

Through: Mr. Manoj Loomba, Advocate for D-1, 8, 9 & 15.
Mr. Mohit K. Mudgal, Mr. Sachin Dubey & Mr. Mohit Jain, Advocates for D-2, 10 & 11.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

30.11.2023

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I.A. 10335/2016 (u/O XXXIX Rules 1 & 2 r/w Section 151 of CPC, 1908)

1. The present Application under Order XXXIX Rules 1 and 2 read with Section 151 of the Code of Civil Procedure, 1908 has been filed on behalf of the applicant/plaintiff seeking temporary injunction thereby restraining the defendant Nos. 1 and 2 from transferring, alienating, creating any kind of third-party interest and/or parting with possession of the Suit Property bearing No. A-37, Kailash Colony, New Delhi on the basis of the Will dated 09.07.2009 and Mutation Letter dated 07.04.2016.

2. Learned counsel for the defendant Nos. 2, 10 and 11, on instructions, states that the defendant Nos. 2, 10 and 11 shall not create any third-party



interest in the aforesaid suit property.

3. Learned counsel on behalf of the defendant Nos. 1, 8, 9 and 15 submits that he has been recently engaged.

4. It is pointed that all the defendants mentioned above had given a statement before the Division Bench of this Court in FAO(OS) 264/2016 on 25.09.2017 that they shall not create any third-party interest in the aforesaid suit property.

5. In view of the submissions made, since the present Suit is for Declaration and Partition, all the parties are hereby directed not to create any third-party interest in the Suit Property bearing No. A-37, Kailash Colony, New Delhi.

6. Accordingly, the present application is disposed of.

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7. Learned counsels for the parties seek adjournment for filing of proposed issues.

8. List on 16.04.2024 for framing of issues.

NEENA BANSAL KRISHNA, J

NOVEMBER 30, 2023

S.Sharma