$~21

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

\+ CS(OS) 76/2010, CCP(O) 95/2011, CCP(O) 125/2011, I.A. 7907/2012 (additional documents), I.A. 18365/2013 (Order XI Rule 12&14, CPC), I.A. 2737/2014 (Order VI Rule 17, CPC), I.A. 7910/2019 (Order XXXIX Rule 1&2, CPC), I.A. 7911/2019 (Order XI Rule 1, CPC), (I.A. 12991/2019 (Directions), I.A. 9709/2021 (Order I Rule 10(2), CPC), I.A. 11863/2021 (Order I Rule 10(2), CPC), I.A. 12631/2021 (Order XXXIX Rule 10, CPC & Order XXXVIII Rule 5, CPC), I.A. 13369/2022 (early hearing of I.A. 7910/2019), I.A. 22135/2022 (directions), I.A. 15187/2023 (directions (D-4)) & I.A. 15910/2023 (early hearing of I.A. 7910/2019)

KOHLI ONE HOUSING & DEVELOPMENT PVT LTD

..... Plaintiff

Through: Mr. Amit Sibal, Mr. Chander M. Lall, Sr. Advs. with Mr. Shaunak Kashyap, Mr. Balasubramanian R. Iyer, Ms. Muskan Yadav, Mr. Kartikaya Gautam, Advs.

versus

C.S. AGARWAL AND OTHERS ..... Defendants

Through: Mr. Ankit Jain, Adv. for D-2.

Mr. T.K.Ganju, Sr. Adv. with Mr. Rohit Gandhi, Mr. Hargun Singh Kalra, Ms. Akshita Jain, Mr. Kartik Jain, Advs. for D-4 to 7, 9, 11 & 13.

Mr. Mohit Gupta, Ms. Aayushi Jain, Advs. for proposed D-14, 15, 17, 18 & 20.

Mr. Varun Nischal, Mr. Shubham Sharma, Advs. for D-16 & 19.

Mr. P.V.Kapur, Mr. Vikas Dhawan, Sr. Advs. with Mr. Bharat Gupta, Mr. Varun Tyagi, Mr. Sidhant Kapur, Ms. Kaveri Kapur, Mr. Dhananjay Sahai, Advs. for proposed defendant no.21.

Mr. Rahul Malhotra, Mr. Arpit Dwivedi, Advs. for proposed D-22 to 25.

Mr. Rishi Manchanda, Adv. for D-2(b) & (d).

This is a digitally signed order.
The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.
The Order is downloaded from the DHC Server on 25/11/2026 at 16:06:13

CORAM:
HON'BLE MS. JUSTICE REKHA PALLI

O R D E R

% 03.10.2023

1. While this Court was in the midst of hearing arguments on Chamber Appeal being O.A. 46/2019, learned senior counsel for the proposed defendant no.21 draws the attention of the Court to the public notice issued on behalf of the plaintiff published on 30.09.2023 in the New Delhi edition of Hindustan Times and submits that the contents thereof are factually incorrect and were intended only to mislead the general public.
2. Upon this publication being brought to the Court's attention, learned senior counsel for the plaintiff, on instructions, submits that without admitting the averments made by learned senior counsel for the proposed defendant no.21, the plaintiff will issue a fresh public notice specifically withdrawing the aforesaid notice. The said statement is taken on record and the Court is now proceeding to hear arguments in respect of O.A. 46/2019 as also application being I.A. 7673/2015.

O.A. 46/2019 & IA No. 7673/2015

3. Arguments heard. Judgement reserved.
4. Since the plaintiff has already filed its written submissions, the appellants in the chamber appeal, as prayed for, are also granted three days time to file their written submissions.
5. At this stage, learned senior counsel for the plaintiff however submits that despite the defendants having orally assured this Court that they will not create any third party rights qua the title and possession of the suit property till the Court decides the present appeal and the

This is a digitally signed order.
The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.
The Order is downloaded from the DHC Server on 25/11/2026 at 16:06:13

application being I.A No. 7673/2015, the proposed defendant no.21 has blatantly violated this assurance and has gone ahead to take steps for obtaining a license for setting up an industrial colony on the suit land. He, therefore, prays that it may now be made clear that till the Court disposes of the Chamber Appeal and I.A No. 7673/2015 the defendants as also the proposed defendants, who have purchased the suit land from the defendants, should maintain status quo qua the title and possession of the suit property.

6. On the other hand, learned senior counsel for the proposed defendant no.21 submits that the said defendant has in no manner tinkered with the status qua the title and possession of the suit property as existing on 22.08.2023, i.e the date on which the oral assurance was given to this Court. He submits that the collaboration agreement based on which the license for developing an industrial colony has been applied for, was executed way back on 25.03.2022. Furthermore, till date the plaintiffs have not moved any application seeking any interim relief against the proposed defendant no.21. He, therefore, vehemently opposes the plaintiff's prayer for passing of any interim directions against the defendants for maintaining status quo qua the title and possession of the suit property.

7. Having considered the submissions of learned senior counsel for the parties, I find that though the defendants are justified in contending that as on date there is no pending application filed by the plaintiff seeking any interim directions against the proposed defendants, the fact remains that an oral assurance was given to this Court on their behalf, based on which this Court has been proceeding with the

This is a digitally signed order.
The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.
The Order is downloaded from the DHC Server on 25/11/2026 at 16:06:13

hearing of the Chamber Appeal for the last three dates. I am therefore of the view, that it would be appropriate and in the interest of justice that this interim arrangement, whereby the proposed defendants had assured the Court to maintain status quo qua the title and possession of the suit property is continued till the disposal of the present Chamber Appeal and IA 7673/2015. It is, accordingly, directed that till orders in Chamber Appeal, being OA 46/2019 and IA 7673/2015 are pronounced, whereafter the Court will pass appropriate order on the plaintiff's pending application under Order XXXIX Rule 1 & 2, the proposed defendants will maintain status quo qua the title and possession of the suit property. It is however made clear that this interim order will not, in any manner, preclude the defendant no.21 from pursuing its pending application for obtaining a license for developing an industrial colony on the suit land.

REKHA PALLI, J

OCTOBER 3, 2023
al

This is a digitally signed order.
The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.
The Order is downloaded from the DHC Server on 25/11/2026 at 16:06:13