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

% *Date of Decision : 23.01.2026*

+ **FAO(OS) 90/2019 and CM APPLs. 5090-91/2026**

M/S CAPITAL LAND BUILDER PVT LTDAppellant

Through:

versus

M/S SHAHEED MEMORIAL SOCIETY (REG) & ORS

.....Respondent

Through: Mr. Vikash Dhawan, Sr. Adv. with
Mr. Ashish Negi, Adv., Mr. Manoj
Bansal, AR.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

MANMEET PRITAM SINGH ARORA, J. (ORAL)

CM APPL. 5089/2026

1. The captioned appeal was disposed of vide consent order dated 22.01.2024, which had to operate as an interim arrangement between the parties for sale of land and property owned by the appellant until the final disposal of the suit. Further directions were issued vide subsequent order dated 26.04.2024 for the implementation of the said interim arrangement.
2. The present application has been filed by a third-party (i.e., stranger to the proceedings) seeking recall of the orders dated 22.01.2024 and



26.04.2024, on the ground that the applicant/third-party claims to have rival claim to the land and property sought to be sold by the appellant. It is stated that the appellant has filed an independent civil suit¹ against the appellant herein, which is pending before the District Court in respect of the title to the suit land².

3. The applicant submits that the orders dated 22.01.2024 and 26.04.2024 have gravely prejudiced the applicant, inasmuch as the appellant herein by these orders has obtained permission from this Court to sell land parcels which are owned by the applicant and form the subject matter of a pending lis between the applicant and the appellant. It is averred that the appellant, by concealing the existence of the pending litigation between the parties before the District Court, have sought to alienate the subject matter thereof and thereby frustrate the rights of the applicant under the guise of the orders dated 22.01.2024 and 26.04.2024.

4. This Court has heard the applicant and the counsel for the appellant.

5. The underlying appeal was preferred challenging the orders dated 04.02.2019 and 07.03.2019 passed by the learned Single Judge in CS(OS) No. 1906/2006, whereby I.A. No. 7483/2015 filed by the appellant/defendant under Order XXXIX Rule 4 of the Code of Civil Procedure, 1908 was decided against it. The appellant/defendant was enjoined from delaying with the suit land at the behest of the respondent/plaintiff. The applicant herein had no concern with the impugned orders passed in the suit.

¹ bearing CS No. 702/2018, titled 'Shiv Kumar Jindad v. Capital Land Builders & Ors.', pending before the Karkardooma Courts, Delhi

² Khasra No. 853,854/1, 855/1, 855/2, 861/1, 862, 863, 864, 1017/865, 866, 868, 875, 876, 877, 878, 989, 1132/892, 898 Mauza Village, Gokalpur, Delhi admeasuring 800 bighas



6. The appeal was disposed of vide order dated 22.01.2024 on the basis of consensually agreed terms and conditions between the appellant and the respondent for governing the interim arrangement for sale of the suit land, and parties to the suit agreed to abide by the said arrangement pending final disposal of the suit.

Subsequently, vide order dated 26.04.2024, this Hon'ble Court issued further directions for implementation of the consent order dated 22.01.2024 and directed the parties to appear before the learned Single Judge in CS(OS) No. 1906/2006.

7. The applicant herein admits that the application under Order XXXIX Rule 1 and 2 CPC filed by the applicant in its own suit (i.e., C.S. No. 702/2018) for restraining the appellant from dealing with the suit land was dismissed by the learned Civil Judge vide order dated 27.04.2024 on merits, which order is presently under challenge in the appeal filed before the learned District Judge.

The record of this application shows that this applicant is pursuing its independent legal remedies against the appellant herein in respect of the suit land, and the order dated 27.04.2024 has been passed against the applicant on merits without being influenced by the order dated 22.01.2024 and 26.04.2024.

8. This Court is of the considered opinion that the applicant has no locus standi to maintain the present application seeking recall of the orders, as the said orders and the interim arrangement directed therein only govern the rights and bind the parties to the suit in CS(OS) No. 1906/2006. The said orders have no bearing on the merits of the title dispute raised by the applicant in its independent suit proceedings and therefore there is no



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ground for recalling of the said orders.

9. The application is accordingly dismissed.
10. Other Pending applications filed by this applicant are dismissed.

MANMEET PRITAM SINGH ARORA, J

V. KAMESWAR RAO, J

JANUARY 23, 2026

Hpl/AMC