
(2012) 08 DEL CK 0206
In the Delhi High Court
Case No : CS (OS) 41 of 2005

Shumita Didi Sandhu

APPELLANT

Vs

Mr. Sanjay Singh Sandhu and Ors

RESPONDENT

Date of Decision : 24-08-2012

Acts Referred:

Citation : (2012) 08 DEL CK 0206

Hon'ble Judges : V.K. Jain, J

Bench : Single Bench

Advocate : Salim Inamdar, for the Appellant; S.S. Jauhar, Adv for Ds-1-3 and Mr Sanjeev Mahajan, Adv for D-4 to 7, for the Respondent

Final Decision : Dismissed

Judgement

V.K. Jain, J.

IA No. 12913/2008 (O. 39 R. 2A CPC)

1. This is an application filed under Order 39 Rule 2 A of CPC for taking action against defendants No. 1 and 3 for committing breach of the interim order passed by this Court. The grievance of the plaintiff is that while executing two different sale deeds for sale of different portions of property No. 18-A, Ring Road, Lajpat Nagar, defendants No. 1 and 3 committed breach of the interim order passed by this Court on 18.01.2005. The plaintiff before this Court is the wife of defendant No. 1 Shri Sanjay Singh Sandhu and daughter-in-law of defendants 2 and 3, namely, Shri Hardev Singh Sandhu and Smt. Shiela Sandhu. She filed the suit for permanent injunction claiming that property No. 18-A, Ring Road, Lajpat Nagar, New Delhi was her matrimonial home since 1994. The following prayers made in the suit:-

(a) Grant a decree of permanent injunction restraining the defendants 1,2 and 3 from committing themselves or through their agents/representatives acts of violence and intimidation against the plaintiff;

(b) Grant a decree of permanent injunction restraining the defendants 1, 2 and 3 and their agents/representatives from forcibly dispossessing the plaintiff out of her matrimonial home without due process of law.

2. IA No. 291/2005 was filed for an interim injunction claiming the following reliefs:-

(a) Pass an ad interim ex parte injunction restraining the defendant from committing the acts of adultery and the acts of violence and intimidation against the plaintiff;

(b) Pass an ad interim ex parte injunction directing the defendant not to through the plaintiff out of her matrimonial home and live there peacefully

3. Vide order dated 18.01.2005, this Court noted the statement of the plaintiff that she was in possession of the first floor of the suit property and directed status quo with regard to the suit property to be maintained till the next date of hearing.

4. The contention of the learned counsel for the plaintiff is that the status quo order prevented the defendants from selling the suit property and that is why they committed breach of the said order by executing two separate sale deeds with respect to the suit property. In my view, the contention is wholly misconceived. The order of status quo passed by the Court has to be read in the context of the prayer made in the suit and the application for interim injunction.

If read out of the context, an order directing status quo can be interpreted to mean anything and may result in different interpretations of the same order by various parties to the suit.

A similar question came up for consideration before this Court in *S. Anand Deep Singh v. Ranjit Kaur and Ors.* ILR (1991) Del. In that case, in a suit for partition, rendition of accounts and declaration, the plaintiff had obtained an interim order directing status quo to be maintained in relation to the properties mentioned in the two Schedules, annexed to the plaint. The plaintiff filed a Civil Contempt Petition stating therein that one of the Defendants had carried out construction activity in one of the properties mentioned in one of the Schedules and had thereby violated the status quo order passed by the Court. The prayer made by the plaintiff in the application for grant of interim injunction was confined to restraining the Defendants from alienating or parting with possession of the disputed property. Dismissing the Contempt Petition, this Court, inter alia, held as under:

There is no doubt that in IA 4224/89 status quo orders were passed regarding properties in Schedules I & II on 26th May, 1989. However, the exact import of the words "status quo" will have to be judged in the light of the prayer made in IA 4224/89. The prayer in this application is that the Defendants should be restrained from selling, alienating, encumbering or in any manner parting with the possession of the properties. There is no prayer in the entire application that

the Respondents/Defendants 1 to 5 should be restrained from proceeding with the construction in GK property. None of the words used in IA4224/89 can be stretched to mean that the plaintiff ever desired by means of this application a restraint order against the Respondents/Defendants 1 to 5 from proceeding with the construction on the Gk property. Therefore, the argument of Mr. Lekhi that under status quo orders, the Respondents/Defendants 1 to 5 should not have proceeded further with the construction of the GK property does not seem to be tenable.

A similar issue arose in Suit No. 1547/1999, Eastman Collaborator Vs. S.K. Mehta, where the parties were directed to maintain status quo in the light of the report of the Local Commissioner who had inspected the property to identify the occupation of the premises. Another Local Commissioner was appointed by the Court on an application filed by the Defendant. The Local Commissioner found that changes have been made in the suit premises and gave description of those changes in his report. Noticing that the dispute between the parties was with regard to the possession of the suit property and it was in this context that the Court had passed an order directing the Local Commissioner to visit the disputed premises and identify the occupant of those premises, it was held by this Court that the Court did not intend the suit property to remain as it was and, therefore, status quo was to be maintained only with respect to the possession. It was held that the Defendant was not correct in his contention that no changes could be made in the suit premises.

No prayer was made in the suit for restraining the defendants from selling or transferring the suit property. No such prayer was made in IA No. 291/2005. The Court, while passing the order dated 18.01.2005, specifically noted the statement of the plaintiff that she was in possession of the first floor of the suit property. She was not claiming ownership in the suit property. Therefore, the status quo order prevented the defendants only from dispossessing the plaintiff from the first floor of the suit property. They did not commit any breach of the order dated 18.01.2005 by transferring the said property so long as they did not disturb the possession of the plaintiff. This is not the case of the plaintiff in this application that she has been dispossessed from the portion which she was occupying in the suit property. The application is wholly misconceived and is hereby dismissed.

IA Nos. 8442/2005 (O. 6 R. 17 CPC) and 12914/2008 (O. 6 R. 17 r/w O. 1 R. 10 CPC)

The learned counsel for the plaintiff wants a short adjournment to make further submissions on these applications.

Renotify on 29.08.2012.