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

\+ CS(OS) 84/2017

SMT VEENA ARYA ..... Plaintiff
Through Ms.Prabha Swami, Mr.Nikhil Swami and Ms.Divya Swami, Advs.

versus

SHRI AMBRISH MALHOTRA ..... Defendant
Through

CORAM:
HON'BLE MR. JUSTICE JAYANT NATH

O R D E R

% 30.01.2019

IA No.1345/2019

This is an application filed under Order 39 Rule 1 and 2 CPC seeking an ad interim injunction in favour of the plaintiff and against defendant No.1 thereby restraining defendant No.1 from selling, alienating, transferring or creating third party interest in the suit property bearing No. E-175, Terrace, Naraina Vihar, New Delhi-110028. The plaintiff has filed the suit for declaration of the gift deed dated 6.3.2009 executed by her father in respect of Second Floor including terrace rights of the said suit property in favour of the defendant who is brother of the plaintiff, as null and void on the ground that the same has been executed by the defendant fraudulently and to give a direction to remove all the belongings/goods from the said second floor and terrace. On 19.4.2017 this court had restrained defendant No.1 from alienating, encumbering or parting with possession of second floor of the suit property.

By the present application it is stated that the first defendant is in

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possession of the second floor and terrace. Plaintiff has learnt that the first defendant has used the terrace space to store equipment and his family's belongings. The plaintiff apprehends that the defendant No.1 may carry out construction in the terrace and can sell the same independently of the second floor.

Plaintiff has made out a prima facie case. Defendant No.1 is restrained from selling, alienating or transferring the terrace of the suit property E-175, Naraina Vihar, New Delhi till further orders.

Issue notice to the defendant through counsel returnable on 11.2.2019 before Joint Registrar.

JAYANT NATH, J

JANUARY 30, 2019
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