

RCA DJ 15/26

HARI RAM MATHUR Vs. RAJESH KUMAR BENIWAL

24.03.2026

Present: Sh. Vineet Rana, counsel for the appellant.

As per report of process server, respondent no.2 A, 2 C, 3 are served.

Be awaited for presence of respondents till 02.00 p.m..

At 02.02 p.m.

Present: Sh. Vineet Rana, counsel for the appellant.

Sh. Manish Gupta and Sh. Pradeep Kumar, counsel for the respondent no.1.

None is present on behalf of respondent no.2 A, 2 C, 3 even at this stage. **They are proceeded ex-parte.**

Counsel for the appellant states that plaintiff is in possession and since, first appeal is a valuable right on law in facts, the plaintiff be not dispossessed during pendency of the appeal.

Counsel for the respondent no.1 states that he will argue the appeal on the next date of hearing. He states that status quo possession, construction and restrain on creation of third party interest be ordered. Possession of plaintiff is disputed by counsel for the respondent no.1.

Heard. File perused.

Admittedly, during the trial order dated 15.02.2018 was continuing on application u/o 39 rule 1 and 2 CPC, vide which parties were directed to maintain status quo and not to create any third party interest in

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the suit property.

The application u/o 41 rule 5 CPC of the appellant is treated as an application u/o 39 rule 1 and 2 CPC.

Counsels for the parties are ready to assist the court in final disposal of the appeal. Meanwhile, parties are directed to maintain Status Quo qua possession, construction over the suit properties. Parties are also directed not create any third party over the suit properties.

Application u/o 41 rule 5 CPC is disposed off in the above terms.

Let order dated 19.03.2026 be complied with afresh for the next date of hearing for service upon respondent no.2 C – Sh. Neeraj Shokeen. **Service through all modes permissible, as per law, be carried out.**

Trial Court Record (TCR) be summoned by the Ahlmad two days in advance prior to the next date of hearing.

At request of the counsel for the appellant, to the come up for arguments on **01.08.2026.**

(VIKRAM BALI)
DISTRICT JUDGE-2/NORTH/ ROHINI
COURT/DELHI/24.03.2026