

26.11.2025

Present : Sh. Dheeraj Sharma, Counsel for the plaintiff.

None for the defendant.

The summons of the defendant received back “refused through his father”. The Counsel for the plaintiff has filed the speed post receipt whereby the summons are shown to be delivered on 07.10.2025. Accordingly, he is deemed to be served. However, none has appeared for the defendant whereby he is proceeded exparte.

At request on behalf of the plaintiff, the prayer (b) in the suit with regard to permanent injunction against dispossession is dropped since the plaintiff is admittedly out of possession. Amended plaint in respect thereof be filed.

The Counsel for the plaintiff seeks disposal of his application u/o 39 Rule 1 and 2 CPC in view of the emergent circumstances existing at the suit property. Arguments heard thereupon.

The plaintiff has filed this suit based upon the fact that he had purchased the same in 1998 via customary documents and has been in possession since then. He states that the defendant has now dispossessed him from the suit property on 02.10.2024, though he has no right, title or interest therein. As per the plaintiff, the defendant is also trying to change the demography of the suit property by demolishing the structure already existing there and also by raising new constructions therein. The plaintiff also states that the defendant may create any

third party interest in the suit property to the prejudice of his rights.

-2-

The plaintiff has placed on record the revenue record establishing that his predecessor was the co-owner in the suit property. He has also placed on record his customary documents as well as numerous photographs prima-facie establishing his earlier possession at the suit property and also the extent of the buildings/rooms existing therein. He has also filed the copy of the FIR registered against the defendant for tress passing into the suit property belonging to the plaintiff. None has appeared for the defendant to either contradict or rebut these materials. Accordingly, the aforesaid circumstances establishes prima-facie case in favour of the plaintiff. The balance of convenience also lies in his favour. He would suffer irreparable loss if the temporary injunction is not granted.

Accordingly, the application u/o 39 Rule 1 and 2 CPC is allowed whereby the defendant or anyone acting on his behalf is restrained from demolishing any existing structure at the suit property and also from raising any further construction at the suit property. The defendant is further restrained from creating any third party interest in the suit property. This interim order shall remain effected during the pendency of the suit.

Order be given dasti, as desired.

To come up for PE on **16.02.2026**.

(Sidharth Mathur)
District Judge-01(N)/Rohini
Courts Delhi/ 26.11.2025