

**IN THE COURT OF SH. KULDEEP NARAYAN
DISTRICT JUDGE - 02
SOUTH-EAST, SAKET: NEW DELHI**

CS DJ No. 3107/2024

Gaurav Mishra

.....Plaintiff

versus

Arun Kumar Jindal

.....Defendant

**ORDER
20.09.2025**

This order shall decide an application dated 19.08.2025 under Order 39 Rule 1 & 2 CPC filed by the plaintiff.

2. Defendant did not file reply to the aforesaid application.

3. I heard arguments on both sides and perused the material available on record.

4. As per record, plaintiff filed suit for recovery of possession under Section 6 of the Specific Relief Act, 1963 as well as permanent injunction in respect of one room along with open area and one pantry/store room on the back side of ground floor of property bearing no. E-171, Greater Kailash, Part II, New Delhi, measuring 25 sq. yards approximately (for short the "suit property"). Plaintiff claimed that he was illegally dispossessed from the suit property by the defendant on

03.02.2025. It was also claimed that father of the plaintiff was inducted in the suit property as a tenant/licensee in the year 2013 and after his demise on 30.06.2021, plaintiff continued the tenancy and continued to pay the monthly rent as well as electricity and water charges to the defendant.

5. On the other hand, defendant stated that plaintiff was never in possession of the suit property and in fact, entire ground floor of property bearing no. E-171, Greater Kailash II, New Delhi ad measuring 1450 sq. ft was let out to one Ms. Ruhani Bakshi vide registered lease deed dated 10.05.2022. Afterwards, the defendant terminated the said lease agreement and filed a suit bearing no. CS-DJ 116/23 titled as *Arun Kumar Jindal v. Ruhani Bakshi* wherein the defendant got physical vacant and peaceful possession of the entire ground floor of the said property. Ms. Ruhani Bakshi vacated the premises on 20.12.2023 and actual physical possession was given to defendant in terms of order dated 18.01.2024 passed by the Court of learned ADJ-06, South-East, Saket, New Delhi.

6. During the course of arguments, learned counsel for the defendant stated that the defendant being the owner of the said property has demolished it completely. He also filed one photograph in support of his contentions to show the vacant plot after demolition of the property. A number of documents, photographs and pleadings filed in the aforesaid suit were also referred to by both the learned counsels.

7. By way of application under consideration, plaintiff has prayed for restraining the defendant from carrying out further

demolition and construction work at the said property as well as for restraining the defendant from creating third party interest in the suit property. As the entire property has already been demolished by the defendant, the aforesaid prayer has become infructuous. Further, as the plaintiff is claiming himself to be the tenant in respect of the suit property (ad measuring 25 sq,yds) only, no ground is made out to restrain the defendant who is owner of the entire property, from carrying out construction or creating third party interest in the said property.

8. Needless to say, the fact whether plaintiff was in possession of the suit property or was never in possession thereof, cannot be adverted to merely on the submissions of both the sides as the same is a matter of trial.

9. In the entire facts and circumstances, no prima facie case is made out in favor of the plaintiff for the reliefs claimed in the application under consideration. The application is accordingly dismissed.

[Kuldeep Narayan]
DJ-02, South-East,
Saket Court, New Delhi
20.09.2025