

RCA DJ 88/2024
YASH PAHARIA VS. EAST DELHI MUNICIPAL
CORPORATION AND ORS.

22.08.2024
AT 02:12 PM

Fresh appeal received by way of assignment by the Ld. Principal District & Sessions Judge, Shahdara District, Karkardooma Courts, Delhi.

It be checked and registered.

Present: Ld. Proxy Counsel for the appellant

Lawyers are abstaining from work today.

It is submitted by the Ld. Proxy Counsel that he will file the certified copy of the judgment and decree dated 31.07.2024 within 10 days from today as he has received the same from Copying Agency.

Heard.

In view of the submissions, let certified copy of the judgment and decree dated 31.07.2024 be filed within 10 days from today.

Application under Section 151 CPC is accordingly disposed off.

Heard on the application under Order XLI r/w Section 151 CPC.

It is submitted by Ld. Proxy Counsel for appellant that after passing of the judgment and decree dated 31.07.2024,

respondent No.1 and 2 have issued a notice dated 06.08.2024 to appellant thereby calling him to hand over the possession of the suit site to them. It is further submitted that appellant has also sent a reply to the said notice, however, even thereafter the official of Respondents No.1 and 2 are threatening the appellant to dispossess him from the suit site forcefully and without following due process of law. It is further submitted that the appellant is still in possession of the suit site and if the respondents succeeds in getting the appellant dispossessed from the suit site forcefully and without following due process of law, then in that case, the purpose of filing the present appeal shall become infructuous and the appellant shall suffer irreparable loss and injury which cannot be compensated in terms of money. It is further submitted that appellant has a good prima facie case in his favour and balance of convenience is also lean in his favour. He further submits that respondents be restrained from dispossessing the appellant from the suit site without following due process of law, during the pendency of appeal.

In view of the submissions, contentions made in the application, parties are directed to maintain status quo regarding the possession of the suit site till the next date of hearing.

Appellant is directed to comply with the provision under Order XXXIX Rule 3 CPC within two days from today.

Issue notice of the present appeal and application under Order XLI r/w Section 151 CPC upon the respondents on filing of PF/RC, returnable for the next date of hearing.

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Trial court record be summoned for the next date of hearing.

Dasti order be also given.

Put up for appearance of respondents and further proceedings on 11.11.2024.

(Deepanker Mohan)
District Judge-04
Shahdara District/KKD Courts/Delhi
22.08.2024