

Kishan Lal (Through Lrs Dhanraj) Vs. UOI Through Addl. Secretary Delhi & UT
18.12.2024

Present: Sh. A. K. Sen and Deepak Bidhuri, counsel for plaintiff.

None for defendant no.1 & 2.

Sh. Yogesh Saini, Advocate and Ms. Srishti Dabas, Project
Associate (Legal) for defendant no.3/Forest Department.

Defendant no.1 and 2 are absent despite service.

Written statement be filed by all the defendants within stipulated
period with an advance copy to the opposite party.

It has been argued by learned counsel for plaintiff that protection had
been granted to the plaintiff by orders of Hon'ble Delhi High Court dated
15.12.2022 and it was further directed that the SDM shall dispose off the
application within three months after giving hearing to the plaintiff. The hon'ble
Delhi High Court further directed that the petitioners could not be dispossessed
from the land till the application was decided but due to the passing of the
judgment titled Mahender Singh Vs Narayan Singh passed by hon'ble Supreme
Court, the SDM could not pass any orders as the village was urbanized as it was
decided vide the above judgment that no order could be passed qua an urbanized
village under the Delhi Reforms Act.

Therefore, the application of the applicant/plaintiff remained
undecided by the SDM and the plaintiff withdrew his applications from the SDM
Court and came before this court.

In view of the judgment of hon'ble Delhi High Court wherein
protection was granted to the plaintiff from dispossession till the application was
decided after giving him a due hearing, the present court is also bound by the
directions of hon'ble Delhi High Court. Hence, status quo be maintained in view
of the suit property till the application under Order XXXIX Rule 1 & 2 CPC is
decided. Put up for further proceedings on **04.03.2025**.

(Purva Sareen)
District Judge-01, South
Saket Court, New Delhi
18.12.2024