

12.08.2026

Present: Mr. Rajiv Tehlan, Mr. Vibhor Gupta, Mr. Banish Bhardwaj and Ms. Pooja Gupta, Ld. Counsel for plaintiffs alongwith plaintiff no.2.
Plaintiff no.1 appears through VC.
Mr. Rahul Sharma, Ld. Counsel for defendant no.1 alongwith defendant no.1.
Mr. Sunil Kumar Gupta, Ld. Counsel for defendant no.4/MCD. (through VC)
Defendants no. 2 and 3 are already ex-parte vide order dated 29.07.2026.

Despite repeated directions from the court, Ld. counsel for defendant no.4/MCD has not turned his camera on. Such conduct of Ld. counsel for defendant no.4/MCD is neither permissible nor appreciated.

Ld. Counsel for defendant no.4 submits that WS has already been filed.

Ld. Counsel for plaintiffs seeks some time to file replication to the WS of defendants no.1 and 4. Let it be filed within two weeks from today with advance copy to the opposite side.

Vide order dated 23.04.2026, an order was passed by this court restraining defendant no.1 from raising construction in the passage shown in red colour in the site plan and from installing gate on the passage and from storing construction material. **The defendant no.1 shall remain bound by such statement during the course of trial and it is hereby made absolute.**

The interim application filed by the plaintiff has been perused carefully and the prayers made therein for removal of the door frame as well as for demolition of the construction on the passage cannot be granted in favour of plaintiff at this stage of the trial for the very obvious reason that the interim mandatory injunction of such a nature cannot

be passed by this court unless the plaintiff satisfies his locus during the trial. The other prayers in the application have already been satisfied from the statement made by defendant no.1 and the order dated 23.04.2026.

Accordingly, the interim application filed by the plaintiff under Order XXXIX Rule 1 and 2 CPC is hereby disposed off with the aforesaid directions.

Be adjourned for framing of issues for **04.11.2026**.

(Bharat Aggarwal)
JSCC-cum-ASCJ (North)
Rohini Courts, Delhi
12.08.2026