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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CS(OS) 73/2019**

SH. DEEPAK TARA

.....Plaintiff

Through: *Appearance not given*

versus

SH. BAIJ NATH TARA & ORS.

.....Defendants

Through: Mr. Rajat Aneja, Mr. Aditya Sharma,
and Mr. Saubhagya Chauriha, Advs.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

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10.11.2025

I.A. 30625/2024

1. This application under Order XXXIX Rules 1 & 2 of the CPC has been filed by the Plaintiff seeking a direction to the Defendants restraining them from restricting and obstructing the Plaintiff's right to access/enjoy the Suit Property, being A-23, Nizamuddin East, New Delhi, and more particularly the room on the ground floor as shown in the Suit schedule.

2. Learned *Amicus Curiae* representing the Plaintiff has invited the attention of this Court to the Order dated 11.02.2019, passed by this Court, directing the parties to maintain *status quo* regarding the title and possession of the Suit Property. She further states that as per the averment in the Plaint, the Plaintiff was in possession of the room on the ground floor of the Suit Property. She states that when the Plaintiff came back to India on 23.11.2023, he was not permitted by the Defendants to access the said room



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thereby violating the Order dated 11.02.2019, passed by this Court.

3. There is no averment in the application to suggest that the Plaintiff has not come to India and visited the said room on the ground floor of the Suit property between 11.02.2019 and 23.11.2023, on which date the Plaintiff was denied access to the room of which the Plaintiff claimed to be in possession.

4. For the adjudication of this application, it would be necessary to ascertain as to whether the Plaintiff came to India and visited the room on the ground floor of the Suit Property between 11.02.2019 and 23.11.2023. The Plaintiff is, therefore, directed to file an affidavit enclosing the pages of his Passport showing the dates of his travel to India. The Plaintiff is also directed to file an affidavit stating that he has not come to India or visited the room on the ground floor of the Suit property between 11.02.2019 and 23.11.2023. Let the affidavits be filed within two weeks from today. Response thereto, if any, be filed before the next date of hearing.

5. Needless to state the reply would be restricted to this portion of the application only and all the rights and contentions of the parties would be left to be agitated at a later stage.

6. List on 03.12.2025.

SUBRAMONIUM PRASAD, J

NOVEMBER 10, 2025

Rahul