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

+ **CS(OS) 244/2024, I.A. 6754/2024 & I.A. 40142/2024**

RADHA AND ORS.

.....Plaintiffs

Through: Mr. Samrat Saxena, Adv. (Proxy Counsel)

Mob: 9560493552

Email: office.prchamber@gmail.com

versus

RAM KISHAN AND ORS.

.....Defendants

Through: Mr. Sultan Chaudhary (D-2) in person (Through VC) also appearing on behalf of D-1 & 3

Ms. Avni Singh, Panel Counsel, GNCTD with Mr. Vaibhav Sharma, Adv. for D-4

Mob: 9958018998

Email: legal.avni@gmail.com

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

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10.03.2026

1. Learned counsel appearing for the defendants draws the attention of this Court to *Prayer 'd'* in the present suit, which reads as under:

“xxx xxx xxx

d. Pass a decree of permanent injunction in favor of the Plaintiffs and against the Defendants, thereby restraining the Defendant no. 1 to 3 from alienation, transferring, selling, dispossessing the Plaintiffs and/or from obstructing or interfering with the possession of the plaintiffs, their associates, tenants etc. from the suit property measuring 788 sq. yds., falling in Khasra no. 332/80, Village Chilla, Mayur Vihar-Phase -I, Delhi, as shown in the site plan;

xxx xxx xxx”



2. By referring to the aforesaid prayer, learned counsel appearing for the defendants submits that in terms of the directions passed by this Court in a writ petition, the possession of the property, which forms subject matter of the present suit, has already been handed over to the defendants in October, 2024. He, thus, submits that since October, 2024, the possession of the suit property is with the defendants.
3. Thus, learned counsel appearing for the defendants submits that the present suit would not be maintainable in the present form, as the plaintiffs cannot seek any declaration without any prayer for possession, as the possession is now with the defendants.
4. Learned counsel appearing for the plaintiffs submits that he is not the main counsel, and requests for an accommodation.
5. Accordingly, let instructions be taken by the plaintiffs to withdraw the present suit, with liberty to file a fresh suit in view of the subsequent developments, in that the possession of the suit property is now with the defendants.
6. For instructions on behalf of the plaintiffs, re-notify on 23rd March, 2026.

MINI PUSHKARNA, J

MARCH 10, 2026/SK