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

+ CS(OS) 493/2021, I.A. 7767/2022, I.A. 13441/2021

POONAM MITTAL AND ANR Plaintiffs

Through: Mr.A.K.Singla, Sr.Adv. with
Mr.Anurag Jain, advts.

versus

ADITYA MITTAL AND ANR Defendants

Through: Mr.R.K.Singh, Adv. for D-1.
Mr.Rajeev Cheema, Adv. for D-2.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

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14.03.2024

I.A. 13441/2021 (u/O. 39 R 1 & 2 CPC)

Present application has been filed by the plaintiffs with the following prayer:

“a. Pass an ad-interim ex parte injunction restraining the Defendants, its servants, agents, employees, representatives, heirs, etc. and / or others from interfering/hindering the peaceful possession/enjoyment of the suit property situated at I-39, Phase-I, Ashok Vihar, New Delhi-110052 and/or the Plaintiff's rights/title and maintain status quo ”

Learned senior counsel for the plaintiffs submits that vide 15.02.2023, this court on finding the *prima facie* case ordered *status quo* to be maintained in regard to the title and possession in respect of the suit property. Learned senior counsel for the plaintiffs submits that the order



dated 15.02.2023 may be confirmed.

However, learned counsel for the defendant no.2 submits that though defendant no.2 will not take law into her hands and will not forcibly intrude into the house but she cannot be curtailed to pursue the legal remedies provided to her under the law including the Domestic Violation Act. It is an admitted case that defendant no.2 has already filed a petition under the Domestic Violence Act seeking 'shared household'. Learned counsel for defendant no.2 has graciously stated that there is no intention on the part of the defendant no.2 to interfere/hinder into the peaceful possession/enjoyment of property No.I-39, Phase-I, Ashok Vihar, New Delhi-110052.

Admittedly, the plaintiffs are in possession of the suit property. Hence, the defendant no.2, subject to all legal remedies available to her under the law to be pursued by her, shall not interfere/hinder into the peaceful possession/enjoyment of the suit property situated at No.I-39, Phase-I, Ashok Vihar, New Delhi-110052.

It is made clear that this order shall not come into the way of defendant no.2 in pursuing her legal remedy or agitating her rights for 'shared household' as provided under the law.

With these observations, the present application stands disposed of.

I.A.7767/2022

Present application has been filed by defendant no.2 for filing the additional documents.

Learned senior counsel for the plaintiffs submits that the application may be allowed subject to authenticity, validity, admissibility and legality of the documents sought to be placed.



The application is allowed. The documents have already been filed.
Let the same be taken on record.

CS(OS) 493/2021

Pleadings are complete.

List the matter before the Joint Registrar (Judicial) on 24.04.2024 for admission/denial of the documents.

DINESH KUMAR SHARMA, J

MARCH 14, 2024

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