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

+ **CS(OS) 489/2023**

SH ANIL KUMAR DAWRA

.....Plaintiff

Through: None

versus

SH SANJAY KUMAR & ORS.

.....Defendants

Through: Mr. Sarthak Malhotra for D-1 through VC)
Mr. NK Naagar, Advocate for D-3.1 and D-3.2 (through VC)
Mr. Reeyansh Kalra and Mr. Yashwant Singh Baghel, Advocates for D-4

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **03.04.2025**

I.A. 8656/2025 (Application on behalf of Defendant No. 1 under Order XXXIX Rule 4 r/w Section 151 of CPC on behalf of the Defendant No. 1 praying to exclude the property bearing Shop No. 9, RBI Enclave, Hauz Khas, Delhi, from the injunction order dated 18.3.2024)

1. The present application has been filed by Defendant No. 1 under Order XXXIX Rule 4 Code of Civil Procedure, 1908 ('CPC') seeking exclusion of property bearing Shop No. 9, RBI Enclave, Hauz Khas Delhi ('Shop No. 9') from preview the injunction order dated 18.03.2024.

1.1. It is stated that Defendant No. 1 is the absolute owner of the Shop No. 9 as evidenced by the Conveyance Deed dated 02.09.2005 executed in favour of Defendant No. 1 by the land-owning agency. It is stated that the



said title deed has been placed on record.

1.2. It is stated in the application that on the basis of the injunction order dated 18.03.2024, the Plaintiff is seeking to interfere in Defendant No. 1's legal proceedings initiated against the tenant *qua* Shop No 9 in Saket District Court, Delhi.

2. None appears on behalf of the Plaintiff despite advance service.

3. Issue notice. Mr. Kalra, learned counsel accepts notice on behalf of Defendant No. 4. Mr. N.K. Naagar, learned counsel accepts notice on behalf of Defendant Nos. 3.1 and 3.2.

4. Learned counsel for the Applicant/Defendant No. 1 is directed to reserve a copy of the application on the counsels appearing for Defendant Nos. 3.1, 3.2 and Defendant no. 4.

5. Upon steps being taken by the Applicant/Defendant No. 1, issue notice to the non-applicant/Plaintiff through counsel via e-mode.

6. In view of the conveyance deed dated 02.09.2005 placed on record, Defendant no. 1 is *ex-facie* the absolute owner of the Shop No.9 and the Plaintiff has no *prima facie* right to interfere in the legal proceedings initiated by Defendant No. 1 qua the tenant in the Shop No. 9.

6.1. Moreover, in the said legal proceedings initiated by the Defendant No.1 as a landlord against the tenant, even otherwise, the Plaintiff on the basis of the averments made in the plaint, cannot interfere as he has no locus in those proceedings.

7. In the meantime, the plaintiff is restrained from interfering in the legal proceedings initiated by Defendant No. 1 against its tenant, which are pending before the Saket District Court.

8. Order XXXIX Rule 3 CPC compliance be done within one (1) week.



9. List on **20.05.2025**, the date already fixed.

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10. List on **20.05.2025**, the date already fixed.

11. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of order shall be insisted by any authority/entity or litigant.

APRIL 3, 2025/msh/sk

MANMEET PRITAM SINGH ARORA, J

Click here to check corrigendum, if any