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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. Anam Siddiqui and Mr. Naved
Ahmed, Advocates for D-2
Mr. Hamid Ali, Advocate for D-3
with Ms. Anuradha Dawra in person
Mr. Peeyoosh Kalra, Mr. Sudhindra
Tripathi and Mr. Yashwant Singh
Baghel, Advocates for D-4

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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28.10.2024

**I.A. 43732/2024 (Application under Order 39 Rule 4 on behalf of LR's
defendant no.3 for vacating interim injunction order dated 18.03.2024)**

1. This is an application filed by LR's of defendant no. 3 seeking vacation of the interim injunction order dated 18.03.2024 passed in the captioned suit qua property bearing no. B-163, Shivalik, Malviya Nagar, New Delhi admeasuring 200 sq. yards.

2. It is stated in the application that this property was purchased by late Sh. Vijay Dawra, the predecessor of defendant no. 3 vide General Power of Attorney (GPA) and Notarized Agreement to Sell (ATS) both dated 14.10.1998 and was his personal property. The said documents have been placed on record to substantiate the plea of proprietary rights of defendant no.3.



3. It is stated that the said property is not the property of late Sh. T.C. Dawra and has been wrongfully included in the scope of the captioned suit and the interim injunction order dated 18.03.2024 passed in the captioned suit.

4. None appears on behalf of the plaintiff, despite advance service.

5. In view of the averments made in the application and considering the fact that the plaintiff has not relied upon any documents in the plaint with respect to the above-mentioned property in order to show that the above mentioned property belongs to late Sh. T.C. Dawra, the applicants have made out a case for vacation of injunction order qua the said property; however, since none appears on behalf of the plaintiff, notice is hereby issued to plaintiff through counsel *via* e-mode.

6. Reply, if any, be filed within a period of 15 days from the receipt of the notice.

7. The plaintiff will pay cost of Rs. 10,000/- to defendant no. 3 for non-appearance despite being served with this application in advance.

8. List on **10.02.2025**; the date already fixed.

I.A. 43733/2024 (for condonation of delay)

9. This is an application filed on behalf of LR's of defendant no. 3 for condonation of delay of 149 days in filing of application seeking vacation of interim injunction order dated 18.03.2024.

10. For the reasons stated in the application, the application is allowed.

MANMEET PRITAM SINGH ARORA, J

OCTOBER 28, 2024/rhc/sk