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

+ **CS(OS) 327/2025 & I.A. 12870/2025**

JAI PRAKASH RATHI

.....Plaintiff

Through: Mr. Rajesh Yadav, Sr. Advocate with
Mr. Sunil Chauhan, Ms. Vatsala
Chauhan and Ms. Ruchira, Advs.

versus

SHIV KUMAR PRAJAPATI & ANR.

.....Defendants

Through: Mr. Kanhaiya Singhal, Mr. Rohit, Mr.
Binwant Singh Ghai and Ms. Ankita
Makan, Advs.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER

% 27.05.2025

I.A. 12870/2025 (under Order XXXIX Rules 1 and 2 of CPC)

1. Mr. Kanhaiya Singhal, learned counsel appearing for the defendants, at the outset, stated that he received a copy of this application only on 23.05.2025.
2. Mr. Rajesh Yadav, learned senior counsel appearing for the plaintiff assisted by Mr. Sunil Chauhan, contends that the defendants are raising construction on the suit land and if the defendants are allowed to change or alter the status of the suit land, the plaintiff would suffer irreparably. According to him, the defendants are also attempting to create third-party right.
3. Mr. Singhal, learned counsel, on the other hand, contends that the



defendants in any case, shall be bound by the directions passed by this Court on the instant application. He, however, contends that he be granted some time to file a reply.

4. Having briefly heard Mr. Yadav, learned senior counsel and Mr. Singhal, learned counsel appearing for the defendants, the Court grants Mr. Singhal three weeks time to file a reply and one week time, thereafter, to file a rejoinder to the instant application.

5. In the meantime, any construction if raised by the defendants shall be at their own risk and cost. No equity shall be claimed by the defendants at the time of hearing of the application.

6. Needless to state, in any case, the rights of the plaintiff stand protected in terms of Section 52 of the Transfer of Property Act, 1882.

7. All the aspects shall be considered at the time of passing of the order on the instant application.

8. Further, at present, there does not seem to be any concrete material to presume that the defendants are likely to create third-party interest. In any case, the plaintiff comes to know about any such steps, the plaintiff shall be at liberty to file an appropriate application.

9. List this matter on 02.07.2025.

PURUSHAINDRA KUMAR KAURAV, J

MAY 27, 2025/P/MJ

[Click here to check corrigendum, if any](#)