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

+ **CS(OS) 595/2021**

RAJESH GUPTA AND ANR Plaintiffs

Through: Mr. Kunal Kalra, Adv.

versus

DELHI DEVELOPMENT AUTHORITY AND ORS

..... Defendants

Through: Mr. Rajeev Lochan Mahunta, Mr.
Kaushal Chandra Jha, Ms. Naina
Chauhan, Advs. for DDA.
Mr. Vikrant N. Goyal, Mr. Nitin
Chandra, Advs. for D-2 and 3.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

% **09.01.2024**

CS(OS) 595/2021

1. Learned counsel for the plaintiffs submits that defendant No.2 has not filed the written statement. Hence, the only contesting party is defendant No.1.
2. None of the defendants have filed the documents.
3. On the pleadings of the parties the following issues are framed:
 - a) Whether the plaintiff is entitled for decree of declaration against the defendants; declaring them as an owner of the property measuring 45 square yards constructed in the form of basement to first floor shown red in the site plan adjoining



the property No. 2/35, Ansari Road, Daryaganj, New Delhi by way of adverse possession. OPP

b) Whether the plaintiff is entitled to a decree of permanent injunction in favour of the plaintiffs against the defendants thereby restraining the defendants, their agents, representatives, assignees or anybody else from interfering in any manner whatsoever with the peaceful possession, occupation and enjoyment of plaintiffs qua the suit property shown red in the site plan. OPP

c) Whether the plaintiff is entitled to relief. OPP

5. No other issue has been pressed for.

6. List the matter before Joint Registrar (Judicial) on 28.02.2024.

I.A. 14975/2021

7. The present application has been filed on behalf of plaintiffs under Order XXXIX Rules 1 and 2 CPC read with Section 151 CPC.

8. This court has passed a status quo order dated 16.11.2021.

9. Learned counsel for DDA has submitted that the plaintiffs are in possession of the property. Hence, the status quo order is confirmed.

10. In view of the submissions made, the present application stands disposed of.

I.A. 14976/2021

11. The present application has been filed on behalf of the plaintiffs under Section 477/478 DMC Act and Section 80 of CPC read with Section 151 CPC.

12. In view of the submissions made, plaintiff is exempted from serving mandatory legal notice on the defendants and the suit be heard on its merits



in the interest of justice.

13. In view of the submissions made, the present application stands disposed of.

DINESH KUMAR SHARMA, J

JANUARY 9, 2024/AR..