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

+ **CS(OS) 632/2021**

OM PRAKASH BATRA

..... Plaintiff

Through: Ms. Anusuya Salwan and Mr.
Chaitanya Bansal, Advs.

Versus

MANOJ KUMAR BATRA & ORS.

..... Defendants

Through: Mr. Sanjiv Kakra, Sr. Adv. with Mr.
Anish Chawla, Mr. Pranav Gambhir
and Mr. Abhishek, Advs. for D-1&2.

CORAM:

HON'BLE MS. JUSTICE ASHA MENON

ORDER

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18.02.2022

[HYBRID HEARING]

I.A. 2813/2022 (of D-1&2 under Section 152 r/w Section 151 CPC for clarification of order dated 30.11.2021)

1. It is informed that the mediation efforts have failed.
2. Mr. Sanjiv Kakra, learned senior counsel for the defendants No.1&2 submits that the plaint and the prayers made therein, as also the prayers in the interim application, relate to only the ground floor/upper ground floor of the suit property namely, property bearing plot No. J-161-B, Rajouri Garden, New Delhi-110027, though the order of this Court dated 30th November, 2021 directed the parties to maintain *status-quo* in respect of the **CS(OS) 632/2021**

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entire property bearing plot No.J-161-B, Rajouri Garden, New Delhi comprising of not only the ground floor/upper ground floor but the first, second and third floors.

3. Submissions heard on behalf of both sides.

4. At this stage, with the consent of the learned senior counsel for the defendants No. 1 & 2 and Ms. Anusuya Salwan, learned counsel for the plaintiff, I.A. No.15751/2021, filed by the plaintiff under Order XXXIX Rules 1 & 2 of the Code of Civil Procedure, 1908 is also taken up for hearing.

5. In the light of the averments made in the plaint and the application, the submission of learned senior counsel for the defendants No.1&2 is accepted that the order dated 30th November, 2021 ought to be only qua the ground floor/upper ground floor. However, this Court feels that if such a modification is to be made, then the interlocutory orders should suffice to dispose of I.A. No.15751/2021. Thus, without prejudice to the rights and contentions of the parties, it is directed that the defendants shall not interfere with the possession of the plaintiff in respect of the ground floor/upper ground floor of the property bearing plot No.J-161-B, Rajouri Garden, New Delhi-110027 and shall not create any third party interests in the said portion till the disposal of the suit.

6. The order dated 30th November, 2021 is accordingly modified. Both applications, I.A. 2813/2022 and I.A. 15751/2021 stand disposed of on these terms.

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7. Written statement(s) be filed by the defendants within four weeks with an advance copy(ies) to the opposite side.
8. Replication(s) thereto, if any, be filed within four weeks thereafter.
9. List before the Joint Registrar on 19th May, 2022 for completion of pleadings.
10. In the interregnum, this Court still hopes that the parties shall make serious efforts to work out an amicable settlement.
11. The date of 8th March, 2022 fixed before the court stands cancelled.
12. The order be uploaded on the website forthwith.

ASHA MENON, J.

FEBRUARY 18, 2022

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