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

+ CS(OS) 635/2019

ARUN KUMAR JAIN Plaintiff

Through: Mr. Rajat Aneja & Ms. Bhawana
Pandey, Advocates.

versus

PADAM CHAND JAIN & ORS Defendants

Through: Mr. Ravi Gupta, Senior Advocate
with Mr. Ankit Jain, Mr. Sachin
Jain, Mr. Abhay Pratap Singh,
Advocates for D-1.
Mr. Mehendra Pratap, Advocate
for 8(b) & 8(c).

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **21.01.2020**

I.A. 17202/2019 (Application under Order XXXIX Rules 1 and 2 for grant of temporary injunction)

1. This is an application under Order XXXIX Rules 1 and 2 filed by the plaintiff. Although several defendants have entered appearance and seek time to file replies to the application, Mr. Rajat Aneja, learned counsel for the plaintiff states that the only contesting defendant is defendant no.1.

2. In the application, five properties have been mentioned:-

- “(i) Property bearing Municipal No. 1976-1977, Katra Kaushal Rai, Kinari Bazar, Chandni Chowk, Delhi-110006;
- (ii) Property bearing No. 205-C/59, 2, Todar Mal Road, Bengali Market, New Delhi-110001;

- (iii) *Property No. 49, Ward No. 4, Katra Masru, Dariba Kalan, Delhi-110006;*
- (iv) *Property No. 11748, Plot No. 688/2, Block-U, Sant Nagar, Basti Regharpura, Karol Bagh, New Delhi; and*
- (v) *Property No. 442, Esplanade Road, Cycle market, Delhi- 110006.”*

3. Mr. Ravi Gupta, learned Senior Counsel appearing for the defendant no.1 states that properties at serial no. (iii) & (iv) have been sold by the mother of the parties during her lifetime. As far as properties at serial no. (i) and (ii) are concerned, Mr. Gupta states that defendant no.1 does not propose to interfere with the *status quo* regarding the nature, and character, title and possession of the suit property. However this is without prejudice to the rights and contentions of the defendant no.1 to file legal proceedings against the plaintiff for eviction from a portion of the property at serial no.(i). The said proceedings, if instituted, will be adjudicated on their own merits. As far as the property at serial no.(v) is concerned, Mr.Gupta states that it is a tenanted property in the possession of defendant no.1. Although there is some dispute as to the name in which the tenancy stands, Mr. Gupta undertakes that the possession of the said premises will not be parted with.

4. Mr.Aneja does not seek any other orders in this application.

5. Recording the statements above, the injunction application therefore stands disposed of in these terms.

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1. At the request of Mr.Gupta, learned counsel for the defendant no.1 and with consent of Mr.Aneja, learned counsel for the plaintiff, defendant no.1 is granted time until 31.01.2020 to file the written statement. The other appearing defendants will file their written statements during the statutory period.
2. List before the Joint Registrar on 18.02.2020 for completion of pleadings, admission/denial of documents and marking of exhibits.
3. List before the Court on 13.05.2020.

PRATEEK JALAN, J

JANUARY 21, 2020

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