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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CS(COMM) 901/2022

SMT. SAVITA GUPTA & ORS.

..... Plaintiffs

Through: Mr. Manish Vashisht, Sr. Advocate
with Mr. P.K. Rawal, Mr. Tarun
Agarwal, Mr. Vanshay Kaul, Mr.
Vedansh Vashisht, Ms. Harshita,
Advocates.

versus

M/S NATHU SWEETS

..... Defendant

Through: Mr. Sameer Rohatgi, Mr. Namit
Suri, Ms. Purnima Singh, Mr.
Kartikey Singh, Ms. Tanya
Sharma, Advocates.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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05.02.2024

I.A. 22207/2022 (u/Order XXXIX Rules 1 and 2 of CPC)

1. The prayer sought in this application under Order XXXIX Rules 1 and 2 of Code of Civil Procedure, 1908, are as follows:

“a. Pass an ad- interim injunction order in favour of the plaintiffs and against the defendant their heirs, agents, family members, representatives, employees, workers, labours, associates, successors and assignees etc. thereby restraining them from creating any third-party interest or parting with the possession or to sub-let, assign the entire property bearing No. 23,24, and 25 and residential quarter No. 62 and 63, Plot No., 3, Block-205-C, Bengali Market, New Delhi admeasuring 6458.35 sq. ft. shown in red colour in the site plan B attached in any manner whatsoever.

b. Pass an ad-interim injunction order in favour of the plaintiffs and against the defendant their heirs, agents, family members, representatives, employees, workers, labours, associates, successors and assignees etc. thereby restraining them from raising any further unauthorized and illegal construction in respect of the entire property bearing No. 23,24, and 25 and residential quarter No. 62 and 63, Plot



No., 3, Block-205-C, Bengali Market, New Delhi admeasuring 6458.35 sq. ft. shown in red colour in the site plan B attached in any manner whatsoever.

c. Pass an ad- interim injunction order in favour of the plaintiffs and against the defendant their heirs, agents, family members, representatives, employees, workers, labours, associates, successors and assignees etc. thereby restraining them from damaging the property bearing No. 23,24, and 25 and residential quarter No. 62 and 63, Plot No., 3, Block-205-C, Bengali Market, New Delhi admeasuring 6458.35 sq. ft. shown in red colour in the site plan B attached in any manner whatsoever.

d. Pass any such other or further order and/or direction which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case."

2. Mr. Sameer Rohatgi, learned counsel for the defendant, states that in the written statement, the defendant has disputed the plaintiff's status as his landlord. However, he submits that the defendant will maintain *status quo* with regard to construction in the suit property and will also not create any third-party interest in possession of the suit property without the leave of the Court.

3. In view of the aforesaid statement, Mr. Manish Vashisht, learned Senior Counsel for the plaintiffs does not seek any further orders in this application.

4. The application is disposed of, binding the defendant to the statement recorded above.

CS(COMM) 901/2022 & I.A. 22209/2022 (under Order XV-A)

Learned counsel for the parties are requested to file written submissions not exceeding three pages on I.A. 22209/2022.

List on 07.03.2024.

PRATEEK JALAN, J

FEBRUARY 5, 2024
"Bhupi"/