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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 1541/2025**
NARESH KUMARPetitioner
Through: Mr. L B Rai with Mr. Rohit Kumar
Poddar, Advocates.

versus
OM PRAKASH AND ORSRespondent
Through: None.

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

% **19.08.2025**

CM APPL. 50623/2025(exemption)

Exemption allowed, subject to all just exceptions.

CM(M) 1541/2025 & CM APPL. 50622/2025(stay)

1. Petitioner is plaintiff before the learned Trial Court and is aggrieved by dismissal of his application moved under Order XXXIX Rule 1 and 2 CPC.
2. The abovesaid order was initially challenged by filing an appeal before the learned District Judge and such appeal has also been dismissed.
3. The sole contention of the petitioner is to the effect that despite the fact that the learned Trial Court observed that there was a *prima facie* case in his favour, the relief of injunction has not been granted.
4. Issue notice through all permissible as also through counsel, returnable on 17.10.2025.
5. Earlier, petitioner had invoked revisional jurisdictional of this Court but such petition was dismissed holding that the order was not amenable to the revision and simultaneously, a breather of four weeks was granted to petitioner.
6. Unfortunately, the petition has been filed belatedly, and the abovesaid period of four weeks has already elapsed and therefore, this Court is not

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inclined to grant any *ex-parte* injunction, without hearing the opposite side.

MANOJ JAIN, J

AUGUST 19, 2025/sw/PB