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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **FAO 321/2008**
PRITITSHIST MANDIR MURTI SHRI THAKUR SHYAMA
BALLABA TRUSTI THROUGH ITS PRESIDENT & ORS

.....Appellant

Through: Appearance not given

versus

THAKUR SHYAMA BALLABHJI THROUGH ITS SECRETARY
& ORS

.....Respondent

Through: Mr. Nitin Jain, Mr. Madhav Aggarwal, Mr. Himanshu Chauhan and Mr. Ramana, Advocates for respondent no. 1

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CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

27.04.2026

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1. Learned counsel for the respondent no.1 objects to the maintainability



of the present appeal, submitting that the appellants were not parties to the suit and even their application under Order I Rule 10 CPC was dismissed by the Trial Court *vide* order dated 24.11.1987. He further submits that for the aforesaid purpose, the TCR of the original suit would be required, however, only the appellate court record is presently available.

2. The contention as to maintainability is opposed by learned counsel for the appellants.

3. It is also informed that appellant nos. 3,4,5 and 6 have expired.

4. Learned counsel for the appellants further seeks time to take instructions in this regard.

5. Renotify on 16.07.2026.

6. In the meantime, the Registry is directed to requisition the properly bookmarked and digitized copy of TCR of the underlying suit before the next date of hearing.

MANOJ KUMAR OHRI, J

APRIL 27, 2026

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