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

+ CS(OS) 282/2018

JAMIA MILLIA ISLAMIA UNIVERSITY Plaintiff
Through Ms.Maninder Acharya, ASG with
Ms.Zeba Khair, Mr. Harshul Choudhary, Mr. Sahil
Sood and Mr.Viplav Acharya, Advs.

versus

GOVT. OF NCT DELHI & ANR. Defendants
Through

CORAM:
HON'BLE MR. JUSTICE JAYANT NATH

ORDER
31.05.2018

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IA No. 7816/2018 (exemption)

Allowed subject to all just exceptions.

IA. 7817/2018

This application is filed seeking additional time to file the court fees.

It has been pleaded that the necessary amount has been deposited and
the court fee is awaited.

The court fee be deposited within two weeks.

The application stands disposed of.

IA. 7815/2018

This application is filed under Section 80 CPC.

As there is urgency, the application is allowed subject to just
exceptions.



CS(OS) 282/2018

Let the plaint be registered as a suit.

Issue summons to the defendants through ordinary process and speed post, returnable for 28.08.2018.

IA No. 7814/2018

This application is filed under Order 39 Rules 1 and 2 CPC seeking ex parte injunction to restrain defendant No.2 from illegally trespassing into the suit property.

It is pleaded in the plaint that on 19.04.1940, agricultural land being part of Khasra No. 155 measuring 19 Bighas was purchased on behalf of the plaintiff by the co-founder and the then Vice-Chancellor of the plaintiff university. Out of this, 3 Bighas were transferred by the plaintiff, as per the written Jambandi records. Hence, 16 Bighas now form Khasra No. 155 is in possession of the plaintiff as per the Jamabandi record of 1998-99. It is pleaded that the mutation is also in favour of the plaintiff.

On 07.05.2018, it is pleaded that defendant No. 2 attempted to forcibly enter the suit property. Some workers/labourers claiming themselves to be from defendant No.2 started illegally and unauthorizedly digging in the vacant land. Despite attempts to stop defendant No. 2 including filing of a police complaint before Jamia Nagar Police Station, defendant No. 2 continues in their illegal activities. It has been pleaded that the plaintiff has legal rights on the said property.

I have perused the documents. The plaintiff has made out a prima facie case. Balance of convenience is also in favour of the plaintiff. Defendant No. 2 is restrained from entering the suit property or from



carrying out any construction on the suit property till further orders.

Issue notice to the defendants through ordinary process and speed post, returnable for 28.08.2018.

The plaintiff to comply with Order 39 Rule 3 CPC within three days from today.

A copy of this order be given Dasti under the signatures of the Court master.

JAYANT NATH, J

MAY 31, 2018
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