

Court No. - 1

Case :- MATTERS UNDER ARTICLE 227 No. - 9585 of 2023

Petitioner :- M/S Sunworld Luxury Suites Private Ltd

Respondent :- New Okhla Industrial Development Authority

Counsel for Petitioner :- Abhishek Gupta

Counsel for Respondent :- Kaushalendra Nath Singh

Hon'ble Jayant Banerji, J.

1. Heard learned counsel for the petitioner and Shri Kaushalendra Nath Singh, learned counsel for the defendant-respondent.

2. This petition has been filed by the plaintiff of Original Suit No.873 of 2020 (M/S Sunworld Luxury Suites Private Ltd Vs. New Okhla Industrial Development Authority), that is stated to be pending in the court of the Civil Judge (Senior Division), Gautam Budha Nagar, to decide the application for temporary injunction dated 27.11.2020 expeditiously.

3. The contention of the learned counsel for the petitioner is that the suit seeking declaration of the demand letter dated 20.5.2020 as illegal and void, as well as permanent and mandatory injunction, was filed against the defendant-respondent on 27.11.2020, which application 6C2 is yet to be decided despite the suit proceeding *ex-parte*. It is contended that if third party rights are created without adjudication in the suit, the interest of the petitioner-plaintiff would be adversely affected.

4. Shri Kaushalendra Nath Singh, learned counsel though, has strongly opposed the petition, however, it is not disputed that the application 6C2 filed seeking temporary injunction is still pending.

5. Under the circumstances, this petition is **disposed of** with a direction to the trial court to endeavour to decide the aforesaid application filed seeking temporary injunction, expeditiously and without granting any unnecessary adjournment to either of the parties.

Order Date :- 11.12.2023

K.K.Tiwari

(Jayant Banerji, J.)