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

+ **FAO 329/2016 & C.M. 25858/2016**

SURYA PRAKASH GOYAL Appellant
Through: **Mr. Sanjay Singhal, Advocate**

Versus

RAJINDER PRASAD GOYAL Respondent
Through: **Mr. N.K. Bansal, Advocate with
respondent in person.**

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

% **ORDER**
09.09.2016

Impugned order of 17th May, 2016 restrains appellant-defendant from creating a third party interest in the suit property and simultaneously restrains appellant-defendant not to disturb peaceful possession of the respondent-plaintiff over the suit property till final disposal of the suit.

Upon hearing and on perusal of the impugned order and material on record, it becomes quite evident that respondent-plaintiff had filed a suit for possession of the suit property in question and impugned order rightly restrains appellant-defendant from creating third party interest in the suit property. However, since the appellant-defendant is admittedly in possession of the suit property, therefore, the second limb of the impugned order is an apparent and inadvertent error, which is corrected through this Order. It is clarified that from the impugned order, the

following portion shall stand deleted:-

“....and also restrained the defendant, his agents, attorney, legal heirs and servant etc. not to disturb the peaceful of the plaintiff over suit property till the final disposal of the suit”.

Impugned order is also clarified to the extent that the suit property is a plot Bearing No. 15/7 and not a shop.

To the aforesaid extent, the impugned order stands modified and this appeal and application are accordingly disposed of while not commenting on the merits of the case.

(SUNIL GAUR)
JUDGE

SEPTEMBER 09, 2016

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