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

+ **FAO(OS) 593/2015**

MOHIT TIWARI

..... Appellant

Represented by: Mr.Kirti Uppal, Sr.Advocate
instructed by Ms.Aastha
Dhawan and Mr.Sidharth
Chopra, Advocates

versus

**SATYENDRA SINGH DURAWAT (SDM PUNJABI BAGH) &
ANR**

.... Respondents

Represented by: Mr.M.B.Singh, Advocate

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

29.01.2016

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1. The plaintiff/appellant obtained a decree in his favour which was the result of defendants No.2 & 3 being proceeded ex-parte. The decree is dated March 25, 2015.

2. IA No.20358/2015 was filed by defendants No.2 & 3 under Order 9 Rule 13 of the Code of Civil Procedure praying that ex-parte decree be set aside. Notice of said application was issued to the plaintiff on September 28, 2015, returnable for February 12, 2016.

3. Thereafter IA No.21739/2015 was filed by defendants No.2 & 3 under Order 39 Rules 1 & 2 CPC taking cognizance of which impugned order dated October 14, 2015 has been passed. The learned Single Judge has held

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that till further orders the plaintiff would be restrained from in any manner entering into the possession of the property and if the plaintiff is in possession of the suit property, the plaintiff is restrained from entering into the suit of the property. The latter part of the interim order is unwarranted.

4. The correct order ought to be that till the application under Order 9 Rule 13 CPC is decided status quo would be maintained as of the date when the learned Single Judge was seized of IA No.21739/2015.

5. We dispose of the appeal directing that status quo which existed as on October 14, 2015 shall be maintained.

CM No.24629/2015

The application is disposed of as infructuous.

PRADEEP NANDRAJOG, J.

MUKTA GUPTA, J.

JANUARY 29, 2016

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