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

+ **FAO(OS) 65/2017 & CM No.9543/2017**

INDER PAL SINGH ANAND

..... Appellant

Through : Mr Suhail Dutt, Senior Advocate with
Ms Divya Bhalla, Advocate.

versus

NEEAN DUGAL & ANR

..... Respondents

Through : Mr Sudhir Nandrajog, Senior
Advocate with Mr Rohit Madan, Mr
Gautam Gupta and Mr Amol Sinha,
Advocates for R-1.
Mr Udaibir Singh Kochar, Advocate
for R-2.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

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05.07.2018

This Appeal challenges the order of the learned Single Judge and urges that the suit originally filed was not the one that should be entertainable in law.

The position was contested by the respondent, who was the original plaintiff. Learned counsel placed reliance on certain orders.

Having considered all facts and circumstances, this Court was of the opinion that the Appellant/defendant's arguments have considerable merit.

At this stage, learned senior counsel for the respondent –

plaintiff - Mr Sudhir Nandrajog, upon instructions, stated that the suit (now pending before the New Delhi District Court) would be withdrawn. He, however, requested that fresh suit would be filed within fifteen days and that the interim arrangement as existing till date viz-a-viz the status quo orders with regard to the title and possession of the property No.A-9/14, Vasant Vihar, New Delhi, which is the subject matter of the suit, should continue to bind the parties.

Learned Senior Counsel for the Appellant - Mr Suhail Dutt submitted that the Appellant resides in the property and that the same would not be transferred, alienated nor would possession be handed over to anyone within next fifteen days.

In view of the facts and circumstances of the case and in the light of the plaintiff/respondent's statement that the suit would be withdrawn within fifteen days, the Appellant shall not transfer, alienate or alter the possession of the premises in question for the said period. All rights of the parties to urge all contentions are reserved.

The Appeal is disposed of in the above terms.

Pending application also stands disposed of accordingly.

S. RAVINDRA BHAT, J

A. K. CHAWLA, J

JULY 05, 2018

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