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

+ CM(M) 674/2018 and CM 24022/2018 and 24023/2018

DARSHNA & ORS Petitioners

Through: Mr. Niraj Chaudhry, Advocate

versus

DHANI RAM & ANR Respondents

Through: None

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

% **01.06.2018**

This petition invoking Article 227 of the Constitution of India seeks to challenge the validity of the orders dated 31.03.2018 and 20.04.2018 passed by the Civil Judge on the file of the civil suit (CS SCJ 1003/2018) instituted by the respondents, *inter alia*, against the petitioners whereby an *ad interim* injunction was issued initially *ex parte* and then directed by the subsequent order for it to continue on the application under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure, 1908 (CPC).

It was pointed out to the counsel for the petitioner that there is a remedy of appeal against an order of this nature in terms of the provisions contained in Section 104 read with Order XLIII of the CPC. The counsel for the petitioner, however, insisted that he has the choice of remedy to come before this court invoking jurisdiction under Article 227 of the Constitution of India.

Given that a statutory remedy of appeal is available, the above position taken by the counsel for the petitioner is unacceptable.

The petition and the applications filed therewith are disposed of with these observations.

R.K.GAUBA, J

JUNE 01, 2018

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