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

+ **FAO(OS) 213/2019 and CM APPL. 47518/2019 (stay)**

GAURAV GOEL

..... Appellant

Through: Mr. Tanmay Mehta, Mr. Angad Mehta, Mr. Vivek Malik, Mr. Vivek Sinha and Mr. Kartikeya Jain, Advocates.

versus

SHIV SHANKAR SINGHAL

..... Respondent

Through: Mr. S.C. Singhal, Advocate.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE TALWANT SINGH

ORDER

% 12.12.2019

1. The present appeal is directed against an order dated 16th October, 2019 passed by the learned Single Judge in IA 14375 of 2019 in CS (OS) No. 468 of 2018 by which, while issuing notice in the aforementioned application filed by the Plaintiff/Appellant under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure (CPC), no interim direction as such was issued. Notice was made returnable before the Court on 28th November, 2019.

2. In the present appeal, while directing notice to issue on 1st November, 2019, this Court directed that status quo be maintained as regards the title and possession of the property in question, i.e. the property at Khasra No. 24/2 (2-10) and 27/1 (1-1), Vill. Masudabad, Najafgarh, New Delhi and that

no further construction shall take place till further orders.

3. The Court is informed that the matter before the learned Single Judge is listed for hearing on 30th January, 2020.

4. The Court accordingly directs that the interim order dated 1st November 2019 passed by this Court qua the property in question, i.e. the property at Khasra No. 24/2 (2-10) and 27/1 (1-1), Vill. Masudabad, Najafgarh, New Delhi, will continue till such time the learned Single Judge disposes of the application IA 14375 of 2019 in CS (OS) No. 468 of 2018 in accordance with law.

5. It will be open to the parties to request the learned Single Judge to dispose of the aforementioned application at the earliest convenience, subject of course, to the Plaintiff filing a rejoinder to the reply filed in the application before the next date before the learned Single Judge.

6. The appeal and the pending application are disposed of in the above terms. The question of the maintainability of the present appeal is left open for decision in an appropriate case.

S. MURALIDHAR, J.

TALWANT SINGH, J.

DECEMBER 12, 2019

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