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

% Judgment delivered on: 06.11.2019

+ C.R.P. 82/2019 & CM APPL. 15759/2019 & 15761/2019

INSTITUTE FOR SOCIALIST EDUCATION &
VASTU KALA ACADEMY & ORS Petitioners

versus

PANDIT BANKTESH JHA Respondent

Advocates who appeared in this case:

For the Petitioner: Mr. Jayant Mehta, Mr. Kapil Arora, Mr. Juvraj Singh, Ms. Palak Nagar and Mr. Adwavit Adalatwale, Advocates

For the Respondent: Mr. Rakesh Kumar, Advocate with respondent in person.

**CORAM:-
HON'BLE MR JUSTICE SANJEEV SACHDEVA**

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner impugns order dated 14.12.2018 whereby the application of the petitioner under Order 7 Rule 11 CPC has been dismissed.

2. Respondent has filed the subject Suit against the petitioner seeking a decree of permanent injunction thereby restraining the petitioners, their agents, servants, etc. from forcibly dispossessing the

respondent from the temple situated on the footpath near Gate No. 2, 9/1, Secular House, Aruna Asaf Ali Road Marg, Opp. J. N. U. East Gate, New Delhi as well as from the room allotted to the respondent in the premises of the petitioners. Further decree of permanent injunction is sought thereby restraining petitioner no. 1 from terminating the services of the respondent without due process of law.

3. Learned counsel for the respondent/plaintiff submits that in so far as the space inside the compound of the premises is concerned, he has already vacated the same and further with regard to the relief of termination of his employment, he has already raised an industrial dispute and he does not press his Suit bearing No. 242/2017 pending in the court of Addl. Rent Controller in so far as the relief of injunction qua room within the compound of the petitioner is concerned and also qua the relief of injunction with regard to termination.

4. Learned counsel for the petitioner submits that the temple in respect of which the Suit has been filed is not within the compound of the petitioner and is on a public footpath and as such there is no cause of action qua the petitioners and there is also no threat of physical dispossession from the same by the petitioners. He submits that no forcible dispossession can be done by the petitioners of the respondent from the said temple and action if any would be taken in accordance with law.

5. In view of the above statement, learned counsel for the respondent under instructions from the respondent who is present in court in person prays for leave to withdraw the Suit i.e. Suit No. 242/2017 titled *Pandit Banktesh Jha Versus Institute for Socialist Education & Vastu Kala Academy* pending in the Court of Mr. Sushant Changotra ARC/ACJ/CCJ, New Delhi, without prejudice to the industrial dispute raised by him.

6. The petition is accordingly disposed of taking on record the statement of the petitioner and also recording that the subject Suit bearing No. 242/2017 titled *Pandit Banktesh Jha Versus Institute for Socialist Education & Vastu Kala Academy* pending in the Court of Mr. Sushant Changotra ARC/ACJ/CCJ, New Delhi is dismissed as withdrawn. The withdrawal of the Suit would be without prejudice to the Industrial Dispute raised by the Respondent.

7. The petition is accordingly disposed of in the above terms.

8. Copy of the order be forwarded to the concerned trial court for taking appropriate steps in terms of the above directions.

9. Order *dasti* under signatures of the Court Master.

SANJEEV SACHDEVA, J

NOVEMBER 06, 2019

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