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

% Judgment delivered on: 23.01.2023

+ CM(M) 100/2023

SADRUDDIN & ANR.

..... Petitioners

versus

QUTABIDIN & ORS.

..... Respondents

Advocates who appeared in this case:

For the Petitioners : Mr. Zahid Hanief, Mr. Sarfaraz and Ms. Manisha Chauhan, Advocates.

For the Respondents : None.

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

JUDGMENT

TUSHAR RAO GEDELA, J. (ORAL)

[The proceeding has been conducted through Hybrid mode]

CM APPL. 3349/2023 (for exemption)

1. Exemption is allowed, subject to all just exceptions
2. Application stands disposed of.

CM(M) 100/2023 & CM APPL. 3350/2023 (for stay)

3. Petitioner challenges the order dated 19.01.2023, whereby the learned Trial court has adjourned the matter for hearing the arguments on application under Order 39 Rules 1 and 2 of the CPC, 1908 for 02.03.2023.
4. Learned counsel appearing for the petitioner submits that the Trial Court has not granted *ad interim* injunction, which is causing grave

prejudice to him since the construction which is being carried out to the detriment of the petitioners, as alleged by the petitioner/ plaintiff in its plaint has not been considered and everyday's delay is causing the illegal construction to carry on unabated.

5. Learned counsel further submits that it was incumbent upon the learned Trial Court to take up the matter in all earnest at the earliest and dispose it of in accordance with law.

6. In view of the fact that there is an urgency in this matter, the requirement of issuing notice to the respondents/ defendants is dispensed with.

7. In view of the above, the learned Trial Court is directed to take up the application under Order 39 Rules 1 and 2 CPC for consideration, by providing one week's time to the defendants to file their reply to the application under Order 39 Rules 1 and 2 and dispose of the same on merits on 02.02.2023.

8. Status as obtaining today shall continue only till 02.02.2023, when the learned Trial Court will take up the application under Order 39 Rules 1 and 2 CPC and dispose it of in accordance with law.

9. The petition along with pending application stands disposed of.

10. Order *Dasti* under the signatures of the Court Master

TUSHAR RAO GEDELA, J .

JANUARY 23, 2023/nd