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

+ **CM(M) 2439/2024**

VASANT KUNJ (C-8) RESIDENT WELFARE ASSOCIATION

..... Petitioner
Through: Mr. Jatin Kapur, Mr. Shantanu
Awasthi & Mr. Bhavya Rana, Advs.

versus

NIVAASEE KALYAN SANGATHAN & ORS. Respondents
Through: Mr. Ajjay Aroraa, Mr. Kapil Dutta,
Mr. Vansh Luthra & Mr. Simran
Arora, Advs. for R-9.
Mr. Indrani Sen, Standing Counsel for
DDA.

CORAM:
HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER
15.05.2024

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CM APPL. 24914/2024—Exp.

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

CM(M) 2439/2024, CM APPL. 24915/2024--stay

3. This petition has been filed under Article 227 of the Constitution of India seeking directions for disposal of the application moved under Order XXXIX Rule 1 & 2 of the Civil Procedure Code, 1908 (hereinafter referred to as “CPC”) filed by the petitioner in CS SCJ 1369/2022 titled as ‘*Vasant Kunj C8 Resident Welfare Association vs. Nivaasee Kalyan Sangathan & Ors.*’ to invoke the supervisory jurisdiction of this Court to dispose of the



application in a time bound manner or in the alternative to set aside the orders dated 13.10.2022 and 15.10.2022 passed by the learned Trial Court whereby the status quo has been ordered.

4. Learned counsel for the petitioner submits that on 01.10.2022, the petitioner filed a suit before the learned Trial Court against the respondents for declaration, permanent and mandatory injunction. Alongside the suit, the petitioner moved an application under Order XXXIX Rule 1 & 2 CPC read with Section 151 CPC seeking grant of ex-parte ad interim injunction against respondent nos. 1 to 8 thereby restraining them directly or indirectly from interfering in day-to-day functioning of the petitioner.

5. Learned counsel for the petitioner further submits that after the issuance of the summons, respondent nos. 1 to 8 appeared and contested the suit. It is further submitted that since 01.10.2022, the application under Order XXXIX Rule 1 & 2 CPC has not been disposed of by the learned Trial Court and the case is at the stage of completion of pleadings and issues are yet to be framed.

6. It is submitted by the learned counsel that the matter is listed before the learned Trial Court on 24.07.2024 for further arguments on the aforesaid application. The learned Trial Court to hear the arguments on the said application and dispose of the same within two weeks from the date fixed before it.

7. With the above observations, the present petition as well as pending application, if any, stands disposed of.

SHALINDER KAUR, J

MAY 15, 2024/ab