



\$~61

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

+ **CM(M) 2649/2024**

ANIL KUMAR

..... Petitioner

Through: **Mr. Arjun Bhaskar, Adv.**

versus

AMANPREET AND ANR

..... Respondents

Through: **None.**

CORAM:

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

%

24.05.2024

CM APPL. 31432/2024 (Exemption)

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

CM(M) 2649/2024 and CM APPL. 31431/2024—stay

3. The present petition under Article 227 of the Constitution of India has been preferred to invoke the supervisory jurisdiction of this Court to impugn the order dated 25.04.2024 passed by learned ADJ-01, Shahdara, Karkardooma District Court, New Delhi (hereinafter referred as 'Trial Court') in CS No. 253/2024 titled as "Anil Kumar vs. Amanpreet & Anr."
4. The learned counsel for the petitioner submits that the petitioner had instituted a suit for damages, permanent and mandatory injunction on 20.04.2024. The suit was listed before the learned Trial Court on 25.04.2024. The learned Trial Court had issued summons of the suit and notice of the interim application moved under Order XXXIX Rule 1 and 2



CPC read with Section 151 CPC to the respondents without granting a hearing as the petitioner had also pressed for ex-parte ad-interim relief.

5. Learned counsel submits that in the application moved under Order XXXIX Rule 1 and 2 CPC, the petitioner had prayed:-

“Pass an ex-parte ad-interim injunction order directing the Defendants to till the final disposal of the present suit to remove every social media post against the Plaintiff and his exhibitions from their Instagram accounts or on any other social media platform and to not to contact any of the influencers or customer 'or supplier or any person related to the Plaintiffs business in any manner and to not to share or post any defamatory post, article or video on their social media or any other manner with any person through any mode of communication.”

However, without considering the said prayer and submission, learned Trial Court has issued notice of the application under Order XXXIX Rule 1 and 2 CPC. Moreso, urgency in the matter was brought to the notice of learned Trial Court which also was not considered.

6. Learned counsel for the petitioner seeks permission to withdraw the present petition with liberty to press the relief as per law before the learned Trial Court as submitted before this Court by moving an appropriate application.

7. Permission to withdraw with liberty as prayed for as per law is granted.

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

9. Order *dasti* under the signatures of the Court Master, as requested.

SHALINDER KAUR, J.

MAY 24, 2024
SU