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

+ **CM(M) 2771/2024**

PAYAL KASHYAP

..... Petitioner

Through: Mr. Ajit Kumar Sinha, Sr. Adv. with
Mr. Pushkar Sood, Adv.

versus

MUNICIPAL CORPORATION OF DELHI AND ANR

..... Respondents

Through: Mr. Tushar Sannu, Standing Counsel
with Mr. Manoviraj Singh and Mr.
Amarjeet Singh, AE (MCD) for R-1.

Mr. Himanshu Choubey, Mr.
Siddharth Garg and Ms. Pallavi
Aggarwal, Adv. for R-2.

CORAM:

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

31.05.2024

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CM APPL. 34624/2024—Exp.

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

**CM(M) 2771/2024, CM APPL. 34625/2024—Lengthy list of dates, CM
APPL. 34626/2024--stay**

3. The present petition under Article 227 of the Constitution of India has
been filed to impugn the order dated 07.05.2024 passed by the learned ADJ-



04, Patiala House Courts, New Delhi (hereinafter referred as ‘Trial Court’) in CS No. 227/2024 titled as “Ritu Pahwa vs. Ms. Payal Kashyap & Anr.” whereby the learned Trial Court granted ex parte ad interim stay to respondent no.2 herein. Petitioner herein is the defendant no.1 before the learned Trial Court.

4. Learned counsel for the petitioner submits that the respondent no.2 had filed a civil suit bearing CS(OS) No.227/2024 seeking permanent injunction against the petitioner herein. The summons of the suit have been issued and an ex parte ad interim stay has been granted on the application moved by respondent no.2 under Order XXXIX Rule 1 & 2 CPC.

5. Learned counsel further submits that order has been passed erroneously by the learned Trial Court.

6. Issue notice.

7. Learned counsel for respondent nos.1 & 2 appear on advance notice and accept notice.

8. Learned counsel for the petitioner submits that two applications have been moved before the learned Trial Court, out of which, one is under Order XXXIX Rule 4 CPC which is currently pending for disposal on 29.07.2024 and the other is an application seeking early hearing which was rejected on 27.05.2024 by the learned trial court.

9. After making some submissions, the learned counsel for the petitioner seeks permission to withdraw the present petition.

10. Learned counsel also submits that since there is an urgency in the matter, a liberty be granted to move a fresh application before the learned Trial Court as per law so that an application moved under Order XXXIX Rule 4 CPC can be disposed of expeditiously, which he shall move before



the learned Trial Court tomorrow i.e. 01.06.2024 with an advance copy to the other side.

11. It is further submitted that a liberty may also be granted to seek an appropriate remedy as per law to move before this Court, if needed in future.

12. The petitioner is granted the aforesaid liberties as prayed for as per law.

13. In view of above, petition as well as pending applications stands disposed of.

14. Copy of the order be given *dasti* under the signatures of the Court Master, as requested.

SHALINDER KAUR, J.

MAY 31, 2024

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