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

+ CM(M) 1484/2023 and CM APPL. 47137/2023--stay

SMT. KAMLESH BANSAL & ORS. Petitioners

Through: Mr.Pankaj Gupta, Adv.

versus

ARUN KUMAR TULSIAN Respondent

Through: Mr.Anil Kumar, Adv.

CORAM:
HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER
07.03.2024

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1. After addressing some arguments. The learned counsel for the parties submits that the learned Trial Court has passed the order with respect to the prayer on mandatory injunction only. However, the arguments raised on behalf of the parties with respect to other prayers have not been considered, thus, it is submitted that the case be remanded back to the learned Trial Court to hear arguments afresh on the application under Order VII Rule 11 of the Code Of Civil Procedure, 1908 (hereinafter referred to as 'CPC') moved on behalf of the respondent and to pass a reasoned order.
2. Learned counsel for the Petitioner submits that his application under Order XII Rule 6 of the CPC is also pending disposal before the learned Trial Court.
3. The impugned order has been perused. The learned Trial Court has disposed of the application under Order VII Rule 11 CPC directing the



petitioner to amend the plaint to settle the relief of possession.

4. Having considered the above, the impugned order dated 06.07.2023 is set aside.

5. The learned Trial Court is directed to hear the arguments afresh on the application under Order VII Rule 11 of the CPC and to pass an appropriate order.

6. The parties are to appear before the learned Trial Court on 26.03.2024.

7. The present petition along with pending application, stands disposed of.

SHALINDER KAUR, J

MARCH 7, 2024

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