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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 3098/2024 & CM APPL. 44169-44170/2024**
JAGJEET SINGH & ANR.

.....Petitioner

Through: Mr. Rajiv Talwar, Mr. Biswajit Kumar
Patra, Mr. S.K., Mr. Sandeep Khatri
and Mr. Satyajit Patra, Advocates.

versus

GURCHARAN SINGH

.....Respondent

Through: Mr. Abhijit Mishra and Ms. Payal
Bahl, Advocates.

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN

ORDER
05.08.2024

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1. Petitioners are defendants before the learned Trial Court.
2. When the respondent (plaintiff) moved an application under Order XII Rule 6 CPC, the learned Trial Court decreed the suit as regards relief of mandatory injunction and permanent injunction.
3. Such order was taken in appeal and learned Appellate Court, vide order dated 24th May, 2024 passed in RCA No. 57/2022, while allowing the appeal, set aside above said order dated 22nd October, 2022 and the matter has been remanded back to the learned trial Court to proceed further in accordance with law.
4. Learned counsel for the respondent (plaintiff) appears on advance notice and when asked, he, very fairly, stated that the above said order has been accepted by the plaintiff and they are, now, pursuing their suit before the

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learned Trial Court.

5. The apprehension of the petitioner herein is with respect to the observations made by the learned Appellate Court in para numbers. 10 to 12 of the impugned order.

6. Needless to say, since the Appellate Court was merely seized with respect to the fact whether the decree could have been granted on the basis of the admission or not, the observations made in the above said paragraphs have to be taken as a prima-facie view of the matter and these are subject to the evidence to be adduced by the parties concerned before the learned Trial Court and cannot be held as final expression over the merits of the case.

7. Learned counsel for the petitioner states that in view of the above, he is left with no grievance in the present petition.

8. The present petition stands disposed of accordingly.

MANOJ JAIN, J

AUGUST 5, 2024/ss