



2024:DHC:6531



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% ***Date of decision: 28th August, 2024***+ **CM(M) 3246/2024 & CM APPL. 49069/2024
DHIRENDER NATH PURI**

.....Petitioner

Through: Mr. Manohar Malik, Mr. Prateek
Chauhan and Ms. Astha Gumber,
Advocates.

versus

DEFENCE COLONY WELFARE ASSOCIATION & ORS.

.....Respondent

Through: None.

CORAM:**HON'BLE MR. JUSTICE MANOJ JAIN****J U D G M E N T (oral)****CM APPL. 49070/2024 (Exemption)**

Exemption allowed, subject to all just exceptions.

CM(M) 3246/2024

1. The petitioner is plaintiff before the learned Civil Judge and has filed a suit for mandatory injunction.
2. The petitioner had also prayed for *ex-parte ad-interim* injunction and such request was declined by the learned Civil Judge vide order dated 9th August, 2024. Feeling aggrieved, the plaintiff filed an appeal before the concerned Court of learned District Judge and his such appeal was also dismissed on 22nd August, 2024.
3. During course of the arguments, learned counsel for the petitioner has stated that earlier he had prayed for *ad-interim ex-parte* injunction but his



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substantive application moved under Order XXXIX Rule 1 and 2 CPC is pending adjudication before the learned Trial Court and is now fixed for 29th instant.

4. He, therefore, prays that he may be permitted to withdraw the present petition but simultaneously, a direction be issued to the learned Trial Court to hear the above said application and to decide such application as expeditiously as possible, without getting influenced with the observations made in the impugned order(s).

5. In view of the above, the present is petition hereby dismissed as not pressed.

6. Liberty, as prayed, is granted and it is expected that the learned Trial Court would consider the above said application in a dispassionate manner, without getting influenced by any of the observations appearing in the impugned order(s).

7. It is also clarified that this Court has also not made any observation with respect to the merits or demerits of the claim raised by the petitioner herein.

8. The petition stands disposed of in aforesaid term.

(MANOJ JAIN)
JUDGE

AUGUST 28, 2024/ss