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

+ **FAO(OS) 123/2024 & CM APPL. 51842/2024, CM APPL. 51843/2024, CM APPL. 51844/2024**

ATUL JAGGI

.....Appellant

Through: **Mr. Rahul Malhotra, Adv.**

versus

AJAB LAL JAGGI & ORS.

.....Respondent

Through: **Mr. A.P.Singh, Advocate for respondents No.1 to 3.**
Mr. Parag P. Tripathi, Sr. Adv. with
Mr. Tarun Singla, Mr. Ayush Jindal,
Mr. Mayank Sharma, Advs. for
Respondent No.5

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

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06.09.2024

1. At the outset, learned counsel for the appellant expresses regret for the language used in the appeal against the learned Single Judge. The said apology is taken on record.

2. It is pertinent to mention that the present appeal has been filed challenging the order dated 9th August, 2024 passed by the learned Single Judge in I.A. 36037/2024 (Application on behalf of Respondent no. 5/Defendant no. 5 under Section 151 Civil Procedure Code, 1908 (CPC) for clarification with regard to the order dated 5th December, 2023) in CS(OS) No.807/2023, whereby the learned Single Judge has vacated the order dated



5th December, 2023 whereby the parties were directed to maintain status quo regarding the title, possession and character of the suit property.

3. Learned counsel for the appellant, upon realizing that I.A. No. 24203/2023 filed under Order XXXIX Rules 1 and 2 CPC has not been disposed of and is still to be finally heard, does not wish to press the present appeal. He, however, prays for a clarification that the observation/ findings given by the learned Single Judge in the impugned order are tentative in nature and have been given only for the purposes of deciding I.A. No. 36037/2024.

4. Learned senior counsel for the respondent No.5 states that he has no objection to the same. He states that the said respondent is not intending to dispose of the suit property till the disposal of the Order XXXIX Rules 1 and 2 application.

5. Recording the aforesaid statements and clarification, the present appeal and applications are disposed of.

ACTING CHIEF JUSTICE

TUSHAR RAO GEDELA, J

SEPTEMBER 6, 2024

N.Khanna