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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
% ***Date of decision: 20th September, 2024***
+ CM(M) 3431/2024 & CM APPL. 55150/2024 & CM APPL.
55151/2024
BABITA DEVIPetitioner

Through: Mr. Hemant Kumar with Mr.
Vekantesh Joshi, Advocates.

versus

RAM KRIPAL MALLRespondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Petitioner had filed a suit seeking mandatory and permanent injunction and also for recovery of sum of Rs. 7,40,000/-.
2. Along with suit, he had also filed an application seeking mandatory and permanent injunction, directing the defendant to allow him access to the premises in question from where the plaintiff was running business of manufacturing of mobile phone chargers. When the defendant was duly served and when the learned Trial Court had taken up the matter on 02.09.2024 and when the plaintiff had insisted for disposal of his interim application, the learned Trial Court thought it appropriate to wait for the written statement and formal reply and resultantly, fixed up the matter for 13.11.2024.
3. Such order is under challenge.
4. None appears on behalf of respondent despite advance notice.
5. According to learned counsel for petitioner, when the above said matter



was taken up by the learned Trial Court on 02.09.2024, the learned counsel for the defendant had virtually admitted the fact that the possession of the plaintiff continued to be with the plaintiff as it was stated that one machine of the plaintiff was still lying there in the suit premises. It is also contended that there is urgency for the reason that the building is being demolished and if the demolition take place, his valuable rights would stand fully jeopardized.

6. After hearing arguments for some time, learned counsel for petitioner states, that he would be satisfied if direction is given to the learned Trial Court to pre-pone the date and to also hear the arguments on injunction application. In view of the above, without prejudice to the rights and contentions of the parties, the present petition stands disposed of by directing the learned Trial Court to take up the above said application seeking interim injunction on priority basis.

7. Needless to say, before disposing of the same, the learned Trial Court would give due opportunity of hearing to both the sides.

8. The petitioner is directed to appear before the learned Trial Court on 23.09.2024 at 2:00 p.m. for the aforesaid purpose. Learned Trial Court may either hear arguments same day or on any convenient subsequent date.

9. Order *dasti* under the signatures of the Court Master.

(MANOJ JAIN)
JUDGE

SEPTEMBER 20, 2024/sw