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

+ **LPA 946/2024**

**NEW KRISHNA EDUCATION SOCIETY
(REGD.)**

.....Appellant

Through: Mr. Sameer Rohatgi, Mr. Namit
Suri, Ms. Purnima Singh, Mr.
Arjun Kaushal & Mr. Kartikey
Singh, Advs.

versus

**THE COMMISSIONER OF POLICE
POLICE HEADQUARTERS & ORS.**

.....Respondents

Through: Mr. Manoj Kumar Tyagi, SPC
with Mr. Shekar Tyagi, Adv.
for R- 1 & 2.
Ms. Shilpa Ohri, ASC for R-3.
ASI Satish Kumar.
SI Nagender & ASI Devender
Singh, Pairvi Officers.

CORAM:

HON'BLE MR. JUSTICE YASHWANT VARMA

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

% **20.09.2024**

CM APPL. 55286/2024 (Ex.)

Allowed subject to all just exceptions.

Application stands disposed of.

CM APPL. 55285/2024 (4 days delay)

Bearing in mind the disclosures made, the delay of four days in
filing the appeal is condoned.

Application stands disposed of.

LPA 946/2024

1. The present Letters Patent Appeal is directed against an order



dated 14 August 2024 rendered by the learned Single Judge disposing of a writ petition which had been filed by the appellants alleging violation of a permanent injunction which had come to be granted.

2. That injunction which operated against the respondents reads as follows:

“15. In the given facts and circumstances, on the basis of the abovesaid discussion, I am of the view that no purpose shall be served in continuing with the present suit or allowing the parties to lead the evidence, when the allegations levelled by the plaintiff are not being disputed by the defendants there is no legal impediment to pass a decree under Order 12 rule 6 CPC. **Plaintiff cannot be harassed to undergo the complete trial, hence, the application of plaintiff under Order 12 rule 6 read with section 151 of CPC is allowed. Accordingly, the present suit is decreed in favour of plaintiff and against defendants whereby defendants are directed to remove the illegal parking of vehicles/tempo and rehri/khomchas parked in front of the gate of the school as shown in green colour in the site plan and for looking into the same as not to let the encroachment further be done in front of the said gate. Defendants no. 1 is directed to look into the compliance of this order. Accordingly, the said application stands disposed off.**

16. As nothing remains to be further adjudicated in the present suit, the same stands decreed in favour of plaintiff and against defendants under Order 12 rule 6 CPC.”

3. The learned Single Judge has, however, refused to entertain the writ petition taking the view that if the grievance be of a violation of an injunction granted by a civil court, the appellant had adequate remedies including those referable to Order XXXIX Rule 2A of the Code of Civil Procedure, 1908 [“CPC”].

4. In our considered opinion while Order XXXIX Rule 2A of the CPC may, and as is contended by Mr. Rohatgi, learned counsel appearing for the appellant, not apply since the violation which was alleged was of a permanent injunction, the law does provide adequate and wholesome remedies to the appellant for enforcement of orders



passed by a civil court.

5. Since those rights and avenues would always be open, we find no justification to interfere with the view ultimately expressed by the learned Single Judge.

6. The appeal fails and shall stand dismissed.

YASHWANT VARMA, J

RAVINDER DUDEJA, J

SEPTEMBER 20, 2024/kk