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

+ **FAO 322/2024 & CM APPL. 58864-58866/2024**

DEEN DAYAL UPADHAYAY HOSPITALAppellant

Through: Mr. Anupam Srivastava, ASC for
GNCTD with Ms. Sarita Pandey,
Advocates with Mr. Gautam Arora,
Admin Officer.

versus

PREETI TRIPATHI & ANR.Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

07.10.2024

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1. A suit has been filed by one Ms. Preeti Tripathi against the President of Resident Doctors Association, DDU Hospital.
2. One application moved under Order XXXIX Rule 1 and 2 CPC was taken up by the learned Trial Court on 09.12.2023 and observing that there was a *prima facie* case in favour of the plaintiff, a restraint order has been passed against defendant association.
3. The present appeal has, however, been filed by DDU Hospital, as such.
4. Learned counsel for the appellant states that when the above said application was decided by the learned Trial Court, DDU Hospital was not a party to the above *lis* but now, subsequently, by virtue of order dated 26.09.2024, DDU Hospital has also been impleaded as defendant No.2 and has also been permitted to file written statement.



5. It is contended that by virtue of the order impugned herein, valuable rights of the hospital stand infringed upon as the property in question could not have been leased out in the manner in which it has been done by the Association and, moreover, it is not clear as to who would be bearing the electricity and water expenses.
6. After hearing arguments for some time, learned counsel for the appellant, under instructions of Mr. Gautam Arora, Admn. Officer of DDU Hospital and without prejudice to his rights and contentions, seeks permission to withdraw the present appeal with liberty to file appropriate application before the learned Trial Court seeking vacation of the above said order.
7. The appeal is, accordingly, disposed of as not pressed while reserving all the rights and contentions of the appellant herein.
8. Needless to say, as and when any such application is moved by the appellant before the learned Trial Court, it shall take up the same and would dispose it of in accordance with law, after giving due opportunity of hearing to all the sides.
9. The appeal stands disposed of in the aforesaid terms.

MANOJ JAIN, J

OCTOBER 7, 2024
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