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

% ***Date of Decision: 28th October, 2024***

+ **CM(M) 3736/2024 & CM APPL. 63710-63711/2024**

BALAJI UNIQUE BUILDERS PVT LTDPetitioner

Through: Mr. Prag Chawla with Ms. Jaspreet
Kaur, Advocates.

versus

MUKESH MEENA & ORS.Respondents

Through: Ms. Seema Gupta, Advocate for
respondent No.3/Bank.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

JUDGMENT (oral)

1. Petitioner has filed a suit seeking permanent injunction and declaration.
2. Along with such suit, an application has also been moved under Order XXXIX Rule 1 and 2 read with Section 151 CPC seeking *ex-parte* ad-interim injunction.
3. The above said suit was taken up by the learned Trial Court on 11.09.2024 and was fixed up for 05.10.2024.
4. On 05.10.2024, there was appearance on behalf of defendant No.3/Bank. However, the plaintiff was directed to take steps afresh for serving defendant Nos.1 and 2.
5. The grievance raised in the present petition seems very limited.
6. According to learned counsel for the petitioner/plaintiff, the learned Trial Court does not seem to be inclined to hear the application



seeking *ex parte* ad-interim injunction, unless all the defendants are served.

7. It is submitted that the purpose of moving said application would stand defeated and frustrated in case the above said application is not heard.

8. Learned counsel for the respondent Bank/defendant has appeared on advance notice through video conferencing. She informs that the matter is already before the learned *Debt Recovery Tribunal*.

9. Keeping in mind the overall facts of the case and also the fact that the above said suit is now listed for further consideration before the learned Trial Court on 06.11.2024, the present petition is disposed of with request to the learned Trial Court to consider the above said application in accordance with law. If it is not inclined to pass any *ex-parte* relief, it may do so but may, at least, give some observations in this regard.

10. It is, however, clarified that this Court has not made any observation with respect to the merits or demerits of the above said application and it will be entirely up to the learned Trial Court to consider the same and to dispose of the said application in accordance with law.

11. The petition stands disposed of in the above terms.

(MANOJ JAIN)
JUDGE

OCTOBER 28, 2024/st