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

+ **CM(M) 440/2025**

RAM NATH CHAUDHARY & ANR.Petitioners

Through: Mr. Rajesh Yadav, Sr. Adv. with V.P.
Rana, Advocate.

versus

DELHI DEVELOPMENT AUTHORITYRespondent

Through: Ms. Shobhana Takier, SC for DDA
with Mr. Kuljeet Singh, Mr. Prateek
Dhir and Mr. Shivam Takier,
Advocates.

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

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05.03.2025

CM APPL. 13314/2025 (exemption)

Allowed, subject to all just exceptions.

This application stands disposed of.

CM(M) 440/2025 & CM APPL. 13313/2025 (interim relief)

1. This petition impugns the order dated 28.02.2025, passed by the learned District Judge in RCA/DJ/16/2025 on the ground that learned District Judge did not pass any orders on the interim application filed under Order XLI Rule 5 read with Section 151 CPC.

2. Learned counsel for petitioners submits that petitioners filed a civil suit for permanent injunction to restrain the respondent from dispossessing the petitioner except by due process of law.



3. Vide impugned order dated 28.02.2025, the learned Trial Court rejected the suit under Order VII Rule 11 (a) and (d) CPC.
4. Against the said order, petitioners preferred an appeal before the First Appellate Court along with application under Order XLI Rule 5 CPC.
5. Learned counsel submits that since after filing of the suit, ad interim orders restraining the respondent from dispossessing the petitioners from the suit property were in operation till the rejection of the suit by the learned Trial Court. Learned counsel also draws the attention of the Court to the written statement filed by the respondent before the trial Court, wherein respondent has categorically stated that it has no intention to illegally dispossess the plaintiffs from the suit land, while also stating that they are duty bound to protect the Government land from encroachment.
6. It is submitted that petitioners have a good case on merits and there is apprehension that petitioners may be dispossessed unless respondent is restrained.
7. Perusal of the impugned order dated 28.02.2025 reveals that no order has been passed on the application under Order XLI Rule 5 CPC, despite the same having been filed.
8. Since matter requires urgent consideration, petition is disposed of with direction to the First Appellate Court to pre-pone the hearing and take up the application under Order XLI Rule 5 CPC on 06.03.2025 for expeditious disposal.
9. Ms. Shobhana Takier, learned counsel appearing for the respondent is requested to inform the concerned panel counsel about the order so that the panel counsel may appear before the First Appellate Court and the disposal of the application is not delayed.



10. A copy of this order be given *dasti* to both the parties under the signatures of the Court Master.

RAVINDER DUDEJA, J

MARCH 5, 2025/vd /f