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

+ **CM(M) 590/2025**
RAJESH SHARMA

.....Petitioner

Through: Mr. Harsh Vardhan Sharma with
Mr. Neeraj Kumar, Mr. Dharam
Yudhishter and Mr. Rajesh Sharma,
Advocates.

versus

AKHIL SHARMA & ORS.

.....Respondents

Through: Mr. Nishant Gautam, CGSC for UOI
with Mr. Mayank Sharma, Mr. Vinay
Kaushik, Mr. Vipul Verma and
Mr. Prithvi, Advocates for respondent
No.3.
SI Vinod Bhati, PS Mehrauli.

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN

ORDER
01.04.2025

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CM APPL. 18746/2025 (exemption)

Exemption allowed subject to all just exceptions.

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1. Petitioner has filed a suit for injunction. His application moved under Order XXXIX Rule 1 and 2 read with Section 151 CPC was allowed by the learned Trial Court, whereby the defendant was restrained from interfering with the plaintiff's performance of *puja*, *aarti* and *sewa* in the temple in question, during his designated turn (*bari*) which, admittedly, ends on 31.08.2025.
2. The grievance of petitioner is, merely, limited to the effect that

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despite there being specific restrain order, defendants are still interfering in his such right of *puja*, *aarti* and *sewa* in the temple in question. It is submitted that an application under Order XXXIX Rule 2A CPC has already been filed and when petitioner prayed for early hearing, such request was declined by the learned Trial Court. Petitioner also prayed for seeking direction to the concerned police authorities for implementation of the abovesaid order but such request has also been turned down by the learned Trial Court.

3. The next date before the learned Trial Court is stated to be 10.07.2025.

4. It is submitted that if the matter gets prolonged any further, the abovesaid order and the entire suit, as such, would become infructuous.

5. After hearing arguments for some time, learned counsel for the petitioner, without prejudice to his rights and contentions, does not press the present petition. He, however, seeks liberty to move appropriate application seeking early hearing in the matter before the learned Trial Court so that the abovesaid injunction order is implemented and there is no unwarranted interference from the side of his adversary.

6. The petition is, accordingly, disposed of as not pressed and as undertaken, the petitioner/plaintiff would be at liberty to move appropriate application seeking early hearing before the learned Trial Court. It is expected that as and when such application is moved by the petitioner/plaintiff, after hearing the opposite side, the matter is considered by the learned Trial Court without any further delay, particularly, keeping in mind the fact the turn of petitioner/plaintiff



is coming to an end on 31.08.2025.

7. It will also be open to the learned Trial Court to consider as to whether, for the purposes of implementation of its order, there is a requirement of issuing any direction to the police or not.

8. Copy of the order be given *dasti* under the signatures of Court Master.

9. It is, however, clarified that this Court has not made any observation on the merits of the case as such.

MANOJ JAIN, J

APRIL 1, 2025
st/pb