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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **FAO 188/2023 and CM APPL. 38976/2023**

ASHOK YADAV

.....Appellant

Through: Mr. C Prakash, Mr. Shrey
Tanwar & Ms. Mansi Shukla,
Advs.

versus

KASMIRI LAL & ORS.

.....Respondents

Through: Mr. Tarun Sharma & Mr.
Tushar Datta, Advts.

CORAM:

HON'BLE MR. JUSTICE DHARMESH SHARMA

ORDER

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20.05.2025

1. Having heard the learned counsel for the parties and upon perusal of the record, this Court proceeds to decide the present appeal instituted under Order XLIII read with Section 115 of the Code of Civil Procedure, 1908, whereby the appellant has assailed the impugned order dated 11.04.2023 passed by the learned Trial Court in CS DJ No.1096/2022 titled as **Kashmiri Lal & Ors. v. Ashok Yadav & Ors.**

2. In a nutshell, the appellant is the defendant no.1 in the suit instituted for mandatory permanent injunction in respect of the subject property. It is the case of the respondents/plaintiffs that they are the owner of the property in question by virtue of the registered Sale Deed dated 30.06.2022 and they have also claimed that they are in possession and occupation of the same. The learned Trial Court on perusal of the pleadings have come to an opinion that the respondents/plaintiffs appear to be in possession of the premises and since the registered Sale Deed has not been challenged in any court of

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law, the ex parte interim injunction has been confirmed.

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3. It is admitted during the course of arguments that the issues have been framed and the matter is listed for plaintiffs' evidence. At this stage of the case, this Court finds no illegality, perversity or incorrect approach adopted by the learned Trial Court in passing the impugned order dated 11.04.2023. The order is only interim in nature and the parties are yet to lead evidence on the matters in issue. Both the parties shall be at liberty to marshal their evidence to substantiate their cause of action as well as defence in accordance with law.

4. Accordingly, the present appeal is bereft of any merit and the same is dismissed without prejudice.

DHARMESH SHARMA, J.

MAY 20, 2025

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