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

+ **FAO 264/2025**

KELTECH INFRASTRUCUTRE LTD

.....Appellant

Through: Mr. Sachin Puri, Senior Advocate
with Mr. Sagar Chauhan, Mr. Rohit
Kahuria and Mr. Prithvi Raj,
Advocates.

versus

SUDHIR NEGI & ANR.

.....Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

% 24.09.2025

CM APPL. 60865/2025 (exemption)

1. Allowed, subject to all just exceptions.

FAO 264/2025 & CM APPL. 60864/2025 (stay)

2. The appellant/defendant has assailed order dated 19.07.2025 of the learned trial court, whereby application of the respondents/plaintiffs under Order XXXIX Rule 1 and 2 CPC was allowed, thereby restraining the present appellant from creating third party interest in the subject property.

3. Learned Senior Counsel for appellant/defendant has taken me through the entire record, contending that the impugned order is not sustainable in the eyes of law for multiple reasons. Firstly, it is submitted that since the subject property falls outside the territorial jurisdiction of this court, the impugned order is not sustainable. Secondly and more importantly, it is contended by learned Senior Counsel that as reflected from the impugned



order, the learned trial court also was of the clear view that the plaint as framed was deficient, so counsel for the present respondents undertook to take steps for amendment of the plaint in order to incorporate the reliefs of specific performance and possession with consequent changes in valuation and court fees; that being so, according to learned Senior Counsel for appellant/defendant, there was no occasion to pass the impugned order. Finally and most importantly, learned Senior Counsel for appellant/defendant refers to the last paragraph of the impugned order, whereby the learned trial court clarified as follows:

*“It is made clear that the relief of interim injunction shall be waived in case steps are not taken by the plaintiffs for amendment of the plaint and payment of court fees, as has been undertaken today by the Ld. Counsel for plaintiffs.
To come up on 09.09.2025.”*

4. It is submitted by learned Senior Counsel on instructions that the respondents/plaintiffs did file an amendment application but without seeking incorporation of relief of specific performance and possession, so the impugned order automatically gets vacated and this court is approached only to declare that.

5. With the above backdrop, after addressing partly, learned Senior Counsel for appellant/defendant on instructions seeks permission to withdraw this appeal with liberty to move appropriate application before the learned trial court.

6. Accordingly, the appeal and the accompanying applications are dismissed as withdrawn with liberty as sought. At request of learned Senior Counsel for appellant/defendant it is made clear that merits of the case have not been addressed by him and obviously, the appellant/defendant shall be at



liberty to take appropriate steps in accordance with law depending upon outcome of the application to be filed before the trial court.

GIRISH KATHPALIA, J

SEPTEMBER 24, 2025/ry