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

+ **C.R.P. 309/2024 & CM APPL. 62672/2024**

SHRI HASNAIN ALI @ CHAMANPetitioner

Through: Ms. Pushti Gupta & Mr.
Aman Malik, Advocates.

versus

MOHD. TASLEEM ANSARI & ANR.Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

23.01.2025

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1. By way of the present petition, the petitioner challenges the order dated 15.05.2024 ('**impugned order**') passed by the learned District Judge-01, Shahdara, Karkardooma Courts, Delhi, pursuant to which the suit was disposed of as withdrawn.

2. The suit was filed by Respondent No.2 seeking permanent injunction against all defendants including the petitioner herein who was defendant No.1 in the suit, to restrain them from entering the suit property bearing no.10-B/6-B Shiv Mandir Gali No.12, Maujpur, Shahdara, Delhi.

3. It was prayed that the defendants be directed not to interfere with the peaceful enjoyment of the plaintiff in the suit property. It was further prayed that Defendant no.2 be restrained from registering a sale deed in regard to the suit property in favour of the petitioner/defendant no.1.

4. The learned Trial Court, by the impugned order, noted the submission of the plaintiff that he wants to withdraw the suit as he has received the peaceful possession of the suit property from Defendant no.2.



5. It was submitted by the plaintiff that he has no claim against the defendants. The statement of the plaintiff was also recorded that he has received the peaceful possession of the suit property from Defendant No.2.

6. The learned counsel for the petitioner submits that Defendant No.2 is connivance with the plaintiff made a wrong statement that the peaceful possession of the property has been received by him from Defendant No.2.

7. He submits that Defendant No.2 is the licensee of the petitioner and could not have given any possession to the plaintiff.

8. In the opinion of this Court, the petitioner has no cause of action to challenge the impugned order. The impugned order only records the statement made by the plaintiff and allowed him to withdraw the suit.

9. Concededly, no adjudication has been made by the learned Trial Court in regard to the statement made by the plaintiff.

10. If the petitioner had any grievance in regard to the possession being handed over or otherwise in regard to the suit property, the petitioner is entitled to seek remedies in accordance with law. However, when no right of the petitioner is taken away and no adjudication has been made in regard to any title, or interest, in any property, the petitioner cannot be permitted to challenge the said order.

11. Merely noting the statement of the party does not give rise to any cause to the other party to challenge.

12. The petition is, therefore, dismissed.

AMIT MAHAJAN, J

JANUARY 23, 2025/ 'Aman'