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

+ **CM(M) 4144/2024**

NEETA JINDAL

.....Petitioner

Through: **Mr. Siddhant Rai Sethi, Mr. Kustubh
Singh & Mr. Shubham Agarwal,
Advs**

versus

PARVEEN KR JINDAL

.....Respondent

Through: **None.**

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

08.01.2025

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CM APPL. 75251/2024 (Exemption)

Allowed, subject to all just exceptions.

Application stands disposed of.

CM(M) 4144/2024 & CM APPL. 75250/2024

1. Petition under Article 227 of the Constitution of India challenges the order dated 03.08.2024 and 22.10.2024 passed by learned District Judge-02, North, Rohini Court, Delhi in CS DJ 313/2024 titled 'Parveen Kumar Jindal vs Neeta Jindal'.
2. Petitioner is the defendant in the suit for declaration and injunction filed by the respondent against her.
3. The parties to the litigation are husband and wife. It appears that parties are involved in litigation on account of their matrimonial disputes.
4. During the pendency of the suit, the respondent filed an application



under Order XXXIX Rule 1 & 2 CPC for restraining the petitioner from creating any third party interest over the suit property i.e. Flat No. A-315, Satya Shanti Apartment, Plot No.23, Sector-13, Rohini, Delhi.

5. Learned trial court passed an interim order restraining the petitioner from creating third party interest in respect of the said plot.

6. Learned counsel for the petitioner submits that the petitioner is the owner of the flat and that the trial court without providing any reason granted the interim relief and without hearing the arguments from the petitioner. It is further submitted that the order has been passed without jurisdiction in as much as it is the Family Court who has the requisite jurisdiction to deal with this case.

7. None appears for the respondent despite advance notice.

8. After part submissions, learned counsel for the petitioner seeks liberty to withdraw the petition with liberty to press all grounds before the learned trial court where the matter is stated to be listed on 10.01.2025.

9. In view of the request made, the petition is dismissed as withdrawn with liberty to the petitioner to make submissions before the learned trial court on the date fixed.

10. All rights and contentions of the parties are kept reserved.

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

RAVINDER DUDEJA, J

JANUARY 8, 2025

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