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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 2343/2025, CM APPL. 75906/2025 & CM APPL. 75905/2025**

KATAR SINGH AND ANR

.....Petitioners

Through: Mr. Shreeyash U. Lalit, Advocate
(through videoconferencing).

versus

KULDEEP SINGH & ORS

.....Respondents

Through: None.

CORAM:
HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

03.12.2025

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1. Petitioners have assailed order dated 27.08.2025 of the learned appellate court, whereby the trial court order of dismissal of application under Order XXXIX Rule 1 and 2 CPC was upheld. Broadly speaking, the petitioners filed a suit for injunction to restrain the present respondents from carrying out construction in the open land and the learned trial court as well as the learned appellate court took a view that since the petitioners admitted not being in possession of the suit land and also did not claim title over it, the petitioners had no right to seek injunction. Further, the learned trial court also took a view that the suit was premature because no construction was being carried out.

2. After addressing partly, learned counsel for petitioners on instructions seeks permission to withdraw this petition with liberty to file fresh



injunction application before the trial court as and when any fresh construction is commenced and in this regard he also submits that the petitioners shall first seek amendment of the plaint to seek declaration of title over the suit land.

3. As requested, the petition and the accompanying applications are dismissed as withdrawn with liberty as sought.

GIRISH KATHPALIA, J

DECEMBER 3, 2025/dr