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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CM(M) 2373/2025, CM APPL. 77264/2025, 77265/2025, 77266/2025, 77267/2025 & 77263/2025

SH. PUNEET GAUTAM

.....Petitioner

Through: Mr. Rajinder Mathur, Mr. Mr. Tarun Mathur and Mr. Akshat Singhal, Advocates.

versus

SH. JUGAL KISHORE GOYAL AND ORS

.....Respondents

Through: SI Omkant Yadav, PS Hauz Qazi.

CORAM:

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

08.12.2025

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1. Petitioner/defendant no.2 has assailed orders dated 03.11.2025, 10.11.2025, 13.11.2025, 17.11.2025, 26.11.2025, 29.11.2025 & 04.12.2025 of the learned trial court pertaining to the proceedings under Order XXXIX Rule 2A CPC. It is contended by learned counsel for petitioner/defendant no.2 that petitioner was never aware about the subject injunction order, otherwise he would not have not continued with the construction, which in any case has now been demolished. It is submitted by learned counsel that address mentioned in the memo of parties is not the correct address of the petitioner/defendant no.2 and in this regard learned counsel has taken me through the Sale Deed. Further, it is contended that the alleged construction was being carried out in completely different premises.

2. Since the application under Order XXXIX Rule 2A CPC is yet to be



decided on merits, it would not be appropriate for this court to stall those proceedings. However, learned counsel apprehends that once the petitioner/defendant no.2 appears before the learned trial court on 09.12.2025, the application would be instantly decided and he would be sent to jail.

3. After some discussion, learned counsel for petitioner/defendant no.2 on instructions seeks permission to withdraw this petition with liberty to approach this court again after the application under Order XXXIX Rule 2A CPC is decided. However, it is directed that in case the application under Order XXXIX Rule 2A CPC is allowed against the petitioner/defendant no.2, no coercive action shall be taken for a period of two weeks so as to enable the petitioner/defendant no.2 to approach this court again. Accordingly, the petition and the accompanying applications stand disposed of as withdrawn with liberty as sought.

GIRISH KATHPALIA, J

DECEMBER 8, 2025/ry