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

+ **FAO(OS) 124/2018 & CM APPL. 25853/2023**

BALLU RAM @ BAL KISHANAppellant

Through: Mr. Rajesh Yadav, Sr. Adv. with Mr.
Tanmay Nagar, Ms. Shamli Verma,
Mr. Rishabh Basoya, Advs.

versus

DEPUTY COMMISSIONER & ORSRespondents

Through: Mr. Sameer Vashisht, Standing
Counsel (Civil), GNCTD with Mr.
Swapan Singhal, Adv. for R-1, 2 & 4
Mr. Tushar Sannu, Standing Counsel
for MCD

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

**HON'BLE MR. JUSTICE HARISH VAIDYANATHAN
SHANKAR**

ORDER

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18.09.2025

1. On 17.09.2024, the following order was passed:

“1. In the present Appeal, the Appellant (Plaintiff in the suit) assails the correctness of the Order dated 18.05.2018 passed by the learned Single Judge of this Court in CS (OS) No.223/2018 while refusing to grant him an *ad interim* injunction.

2. The application filed by the Appellant/Plaintiff under Order XXXIX Rules 1 and 2 of the Civil Procedure Code, 1908, is still pending adjudication.

3. During the pendency of the present Appeal, the Appellant/Plaintiff has been dispossessed pursuant to an ejectment order passed by the Revenue Assistant. Now, the only grievance of the Appellant herein is concerning certain observations made in the impugned Order, which concern the maintainability of the suit.

4. At this juncture, after the learned Senior Counsel appearing on behalf of



the Appellant concluded his arguments, the learned counsel appearing for the Respondents, who has been present before the Court throughout the submissions, prays for an adjournment, which is not appreciated by this Court.

5. List on 18.09.2025 for final disposal in the category of “*Supplementary List*” matters.”

2. Learned senior counsel representing the Appellant submits that the observations made by the learned Single Judge should not be construed as a final expression on the merits of the case.

3. While deciding the application filed under Order XXXIX Rules 1 and 2 of the Civil Procedure Code, 1908, the Court only records *prima facie* observations, which are never construed as a final expression to the merits of the case.

4. With these observations, the present Appeal, along with the pending application, is disposed of.

ANIL KSHETARPAL, J.

HARISH VAIDYANATHAN SHANKAR, J.

SEPTEMBER 18, 2025

jai/rgk