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

+ **FAO 108/2024, CM APPL. 17666/2024**

GURSIMAR SINGH JAGGI & ANRAppellants

Through: **Mr. Satvinder Singh, Ms. Simran Jot Singh, Advocates**

versus

PARMINDER SINGH & ORS.Respondents

Through: **Mr. Chirag Batra and Mr. Ankit Batra, Advocates for respondent no.4.**

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

06.01.2026

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1. By way of present appeal, the appellants, who were the plaintiffs before the learned Trial Court, seek to assail the order dated 08.01.2024 passed by the learned ADJ-03, South West District, Dwarka Courts, New Delhi in CS DJ 958/23 titled 'Gursimar Singh Jaggi & Anr. v. Parminder Singh & Ors.' whereby the application filed by them under Order XXXIX Rules 1 & 2 CPC, insofar as it sought a permanent injunction qua basement portion of the suit property, came to be dismissed without being considered.
2. Notice in the present appeal was issued and the defendants/respondents have been duly served. However, only defendant no. 4 is represented through counsel.
3. It is noted that the predecessor bench of this Court vide order dated 10.09.2024 directed that no third party interest with respect to the basement shall be created till the next date of hearing with respect to the title and possession of basement.



4. Learned counsel appearing for defendant no. 4, upon instructions from defendant no.4, who has joined the proceedings through VC, states that the defendant no.4 shall not create any third party rights with respect to the basement.
5. Considering that the other defendants have already been duly served, and have chosen not to appear, the order dated 10.09.2024 restraining the defendants/respondents not to create any third party rights with respect to title and possession qua basement of the suit property is made absolute.
6. The present appeal, along with any pending applications stands disposed of in above terms.

MANOJ KUMAR OHRI, J

JANUARY 6, 2026/rd