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

+ **CS(OS) 244/2024 & I.A. 6754/2024, I.A. 40142/2024**

RADHA AND ORS.

.....Plaintiffs

Through: Ms. Stuti Gupta, Adv. (Through VC)
versus

RAM KISHAN AND ORS

.....Defendants

Through: Ms. Avni Singh, Panel Counsel,
GNCTD with Mr. Abhishek Yadav,
Adv. (Through VC)
D-2 in person and on behalf of D-1
and 3 (Through VC)

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

23.03.2026

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1. When the matter was listed on 10th March, 2026, this Court had passed the order in the following manner:

1. Learned counsel appearing for the defendants draws the attention of this Court to *Prayer 'd'* in the present suit, which reads as under:

"xxx xxx xxx

d. Pass a decree of permanent injunction in favor of the Plaintiffs and against the Defendants, thereby restraining the Defendant no. 1 to 3 from alienation, transferring, selling, dispossessing the Plaintiffs and/or from obstructing or interfering with the possession of the plaintiffs, their associates, tenants etc. from the suit property measuring 788 sq. yds., falling in Khasra no. 332/80, Village Chilla, Mayur Vihar-Phase -I, Delhi, as shown in the site plan;

xxx xxx xxx"



2. By referring to the aforesaid prayer, learned counsel appearing for the defendants submits that in terms of the directions passed by this Court in a writ petition, the possession of the property, which forms subject matter of the present suit, has already been handed over to the defendants in October, 2024. He, thus, submits that since October, 2024, the possession of the suit property is with the defendants.

3. Thus, learned counsel appearing for the defendants submits that the present suit would not be maintainable in the present form, as the plaintiffs cannot seek any declaration without any prayer for possession, as the possession is now with the defendants.

4. Learned counsel appearing for the plaintiffs submits that he is not the main counsel, and requests for an accommodation.

5. Accordingly, let instructions be taken by the plaintiffs to withdraw the present suit, with liberty to file a fresh suit in view of the subsequent developments, in that the possession of the suit property is now with the defendants.

6. For instructions on behalf of the plaintiffs, re-notify on 23rd March, 2026.

2. Today, learned counsel appearing for the plaintiffs submits that she has instructions to withdraw the present matter, with liberty to file a fresh suit.

3. Liberty is so granted.

4. The present suit is accordingly dismissed as withdrawn, with liberty as aforesaid.

5. The pending applications also stand disposed of.

MINI PUSHKARNA, J

MARCH 23, 2026/KR