



2025:DHC:2064



\$~83

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% ***Date of Decision: 26.03.2025***+ **C.R.P. 151/2024, CM APPL. 28167/2024**

MASJID

.....Petitioner

Through: Mr. Hrithik Manchanda, Adv.

versus

JOSHI ROAD NAGRIK PARISHAD & ORS.Respondents

Through: Mr. Adv. for R-1[Appearance not given]

Mr. Prateek Solanki, Adv. for R-2.

Mr. Gaganmeet Singh Sachdeva, SC
with Mr. Harshpreet Singh Chadha,
Adv. for R-3.**CORAM:****HON'BLE MS. JUSTICE TARA VITASTA GANJU****TARA VITASTA GANJU, J.: (Oral)****CM APPL. 17462/2024[For waiver of cost]**

1. Learned Counsel for the Respondents seeks and is granted permission to withdraw the present Application.
2. The present Application is accordingly dismissed as withdrawn.

C.R.P. 151/2024, CM APPL. 28167/2024[For stay]

3. After some arguments, learned Counsel for the Petitioner submits that the Petitioner seeks to rely upon some documents which were not placed before the learned Trial Court.
4. Learned Counsel for the Respondent No.1 points out that the proceedings before the learned Trial Court are pending from the year 2016 and that in view of the fact that the Petitioner did not attend to the proceedings, his defence was struck off. It is further submitted that the



Petition is a ploy by the Petitioner to have the matter delayed further.

4.1 Learned Counsel for Respondent No.1 further submits that on account of non-appearance of the Respondent No.2/Delhi Wakf Board before the learned Trial Court, the defence of the Respondent No.2/Delhi Wakf Board was also struck off in terms of order dated 23.04.2019.

4.2 Learned Counsel for Respondent No.1 submits that the matter is currently at the stage of Plaintiff's evidence before the learned Trial Court.

5. The Petitioner has placed on record a gazette notification dated 16.04.1970 to submit that subject premises, Masjid Kajoor Wali, Karol Bagh, New Delhi is appearing at serial no. 8 at the said gazette notification and thus is Wakf property.

6. The record reflects that the learned Trial Court by order dated 23.04.2019 passed the following directions:

“No Written statement has been filed by defendant no. 1 & 2 till date. Ld. counsel for defendant no. 1 & 2 seeks time to file written statement. The perusal of the file shows that defendant no. 1 & 2 were served on 25.05.2016. No explanation given as to why WS has not been filed for more than two and half years. The application under Order 7 Rule 11 CPC was also filed on 17.11.2018. Accordingly, their right to file the said WS is closed. The WS of defendant no. 3 is already on record.”

6.1 On 23.04.2019, the Court also proceeded to frame issues in the matter and set down the matter for trial.

7. As stated above, it is not disputed by the parties that the matter is now at the stage of Plaintiff's evidence. Given the fact that a document exists which is alleged to contain details of the property in issue which shall have a bearing on the case, it is apposite that the learned Trial Court examines the same.

8. Accordingly, the Petitioner is at liberty to file an appropriate



2025:DHC:2064



Application in accordance with law, to bring on record the said government notification and any evidence in support of his contentions that the property in issue is a Wakf property.

9. The Petitioner shall file an appropriate proceeding within the next two weeks and shall ensure that the adjudication of the matter is not delayed.

9.1 Learned Counsel for the parties submit that they will not take any unnecessary adjournment before the learned Trial Court. The parties are bound down by the statement made by their respective Counsel.

10. The Petition is disposed of in the foregoing terms. Pending Application also stands closed.

11. The parties will act based on the digitally signed copy of the order.

TARA VITASTA GANJU, J

MARCH 26, 2025/r

Click here to check corrigendum, if any