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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
% **Date of Decision: 03rd July, 2025**
+ CM(M) 1123/2025, CM APPL. 38082/2025 & CM APPL. 38083/2025
GEETA PALPetitioner

Through: Mr. Jyotirmay Vasisht & Mr. Pushaan
Singh Gullia, Advs.

versus

BADAMI DEVI AND ANRRespondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. The petitioner is aggrieved by dismissal of her application whereby she sought rejection of the plaint in question.
2. The suit in question is for permanent and mandatory injunction and has been filed by Smt. Badami Devi, who claimed herself to be absolute owner of the property in question which is situated at Karawal Nagar, Delhi-110094.
3. Defendant No.1/Yogendra Pal is her real son and defendant No.2/Geeta Pal (petitioner herein) is wife of defendant No.1.
4. According to the averments made in the abovesaid plaint, after the defendants got married, plaintiff provided them with accommodation at the abovesaid house as permissive user. Thus, according to her, there is a relationship of a licensor and licensee between her and the defendants and the suit has been filed with the assertion that despite termination of such licence, they are not vacating the property in question.
5. The rejection was sought on the ground that the learned Trial Court had no jurisdiction to try the suit as it was merely seeking injunction. According to petitioner, in such a situation, the plaintiff should have also sought the relief



of declaration and possession.

6. This Court has gone through the observations made by learned Trial Court in the impugned order and the learned Trial Court has, rightly, observed that as per the averments of the plaintiff, she has revoked the licence of the defendants and, therefore, in such situation, suit for mandatory injunction is very much maintainable. Thus, there is no illegality or perversity in the abovesaid order.

7. It is also settled position of law that while deciding any such application, the Court is required to confine itself to the averments made in the plaint and since in the plaint, there is a categorical assertion that there was a relationship of licensor and licensee between the parties, in such a situation, the suit for mandatory injunction was clearly maintainable.

8. During course of arguments, when asked as to what was the present stage of the case, learned counsel for the petitioner divulged that the case is fixed for final arguments.

9. Be that as it may, there is nothing which may necessitate this Court to invoke its supervisory power under Article 227 of the Constitution of India. Finding no merit or substance in the petition, the same is, accordingly dismissed.

10. Pending applications, if any, stand disposed of.

(MANOJ JAIN)
JUDGE

JULY 3, 2025/CK/SS