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

% **Date of Decision: 07<sup>th</sup> July, 2025**

+ CM(M) 1149/2025 & CM APPL. 38971/2025

RAJESH SHARMA

.....Petitioner

Through: Mr. Harsh Vardhan Sharma with Mr. Neeraj Kumar and Mr. Harsh Saini and Mr. Sanjiv Sharma, Advocates.

versus

AKHIL SHARMA & ORS.

.....Respondent

Through: Mr. Nishant Gautam, CGSC with Mr. Vardman Kuashik, Mr. Prithviraj Dey and Ms. Shaurya, Advocates for R-3.

**CORAM:**

**HON'BLE MR. JUSTICE MANOJ JAIN**

**J U D G M E N T (oral)**

1. This happens to be second round of litigation.
2. Earlier also, the petitioner/plaintiff had filed a petition and had contended that despite the fact that defendants had been restrained from interfering with the performance of *Puja, Aarti and Sewa* in the temple in question, the defendants were interfering with his such rights. It was also contended that plaintiff had moved application under Order XXXIX Rule 2 A CPC but there was no due consideration of the abovesaid application.
3. When the earlier petition, which was registered as CM (M) No. 590/2025, was taken up by this Court on 01.04.2025, the abovesaid petition was disposed of as not pressed and, simultaneously, the plaintiff was permitted to move appropriate application before the learned Trial Court seeking early hearing of the matter and this Court had also observed that as and when any such application is moved, the same would be considered



without any further delay in the matter.

4. Petitioner submits that he moved an application under Section 151 CPC but the same has been dismissed by the learned Trial Court on 23.05.2025, without giving any justifiable reason.

5. He submits that application moved under Order XXXIX Rule 2A CPC has not yet been disposed of by the learned Trial Court.

6. During course of the arguments, it was apprised that the next date before the learned Trial Court is 10.07.2025.

7. The plaintiff is present in person and reiterates that despite the injunction granted by learned Trial Court, the defendants are obstructing his rights and are not permitting him to perform *Puja, Aarti and Sewa* etc. He submits that whenever he goes to temple to perform his religious duties, he is threatened by the opposite side and they do not let him perform his religious duties and, therefore, he seeks initiation of contempt and also assistance of police so that the order passed by the learned Trial Court is duly complied with.

8. Since term of the petitioner is going to expire on 31.08.2025, the present petition is disposed of with request to learned Trial Court to give top-most priority to the abovesaid application moved by the petitioner/plaintiff under Order XXXIX Rule 2 A CPC and to make best endeavor to dispose of the same as expeditiously as possible and, preferably, within two weeks.

9. It is expected that learned counsel for respondents would also provide due assistance in this regard to the learned Trial Court so that learned Trial Court is in a position to dispose of the abovesaid application, which was stated to have been filed in the month of February, 2025.



2025:DHC:5380



10. Petition stands disposed of in aforesaid terms.
11. Pending application stands disposed of.

**(MANOJ JAIN)**  
**JUDGE**

**JULY 7, 2025/sw/SS**