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

% *Date of Decision: 15th May, 2025*

+ CM(M) 904/2025 & CM APPL. 29396-29398/2025

RAMESH CHAND SHARMAPetitioner

Through: Mr. Varun Goswami with Mr. Naveen Grover and Mr. Hritik Chaudhary, Advocates.

versus

MAHESH CHAND SHARMA & ANR.Respondent

Through: Mr. Amit Kumar Singh, Advocate.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. The point raised in the present petition is very short and precise.
2. Petitioner herein has filed suit for declaration, cancellation of instrument, partition and injunction.
3. When the abovesaid suit was considered by the learned Trial Court on 05.02.2022, a *status quo* order was passed, when the defendants had not put in appearance despite the fact that they were served.
4. Undoubtedly, application moved under Order XXXIX Rule 1 and 2 read with Section 151 CPC is still pending adjudication but at the same time, the interim order regarding *status quo* is being extended by the learned Trial Court, from time to time.
5. The abovesaid suit was fixed for further consideration before the learned Trial Court on 07.03.2025. However, since the learned Presiding Officer was on leave that day, the matter was adjourned to 08.05.2025.



6. On 08.05.2025, there was request from the side of plaintiff that learned arguing counsel was unable to appear as he had been appointed Amicus Curiae in CONT. CAS (CRL) No. 3/2025 and as per the directions given by the learned Division Bench of this Court, the matter was listed for final hearing at 12:00 Noon same day.

7. Despite the fact that a request in this regard was made by the Associate of the learned counsel for the plaintiff, the learned Trial Court, after noticing the vehement opposition of the defendant, refused to continue the interim order dated 05.02.2022 and the same has been directed to be vacated.

8. Such order dated 08.05.2025 is under challenge.

9. Learned counsel for petitioner submits that there was never any intention to avoid the proceedings that day. He submits that the abovesaid contempt petition was, initially, taken up by the learned Division Bench on 08.04.2025 and there was a direction to Amicus Curiae to assist the Bench on 08.05.2025 and there was also direction that all the contemnors would appear before the Court and it was also made very clear that no request for adjournment shall be entertained.

10. Mr. Varun Goswami, learned counsel for petitioner, submits that on 08.05.2025, he appeared before the learned Division Bench and addressed arguments and, thereafter, the matter was taken up for further consideration on 09.05.2025 also and, thereafter, the matter has been reserved for orders.

11. Learned counsel for respondents appears on advance notice and leaves it to the Court to pass appropriate order. He, however, supplements that the next date before the learned Trial Court is 05.06.2025 and the plaintiff should ensure that he renders complete cooperation and assistance to the learned Trial Court so that the learned Trial Court is in a position to take up the



pending applications.

12. Mr. Varun Goswami, learned counsel for plaintiff, submits that he would ensure that on the next date of hearing i.e. 05.06.2025, he appears before the learned Trial Court at 2:00 P.M. and renders complete assistance to the learned Trial Court. He, however, submits that in the interregnum, the *status quo* order may be restored.

13. Mr. Amit Kumar Singh, learned counsel for respondents has, however, no instructions, whether after the abovesaid order was vacated, there is any change in the *status quo*.

14. Be that as it may, the parties shall maintain *status quo*, as it stands today, till next date of hearing before the learned Trial Court which is 05.06.2025.

15. Any further request with respect to the extension of *status quo* order shall be made by the plaintiff to the learned Trial Court and it would be up to the learned Trial Court to consider such request and to pass appropriate order, in accordance with law.

16. Petition stands disposed of in aforesaid terms.

17. Mr. Amit Kumar Singh, learned counsel for respondent, is also requested to immediately inform about the today's order to the concerned respondents/defendant so that there is no non-compliance of the abovesaid direction.

18. Pending application, also, stand disposed of in aforesaid terms.

(MANOJ JAIN)
JUDGE

MAY 15, 2025/sw/SS