

04.10.2025

CS No. 10164/16  
Jag Mohan Gupta vs. Girdhari Lal

Present: Sh. Ayush Chauhan and Ms. Tia Sachdeva, Ld. Counsel for the plaintiff no. 2A.  
Ms. Aashna Arora and Sh. Gurtej Pal Singh, Ld. Counsel for Lrs of defendant no. 1C(a) to 1C(d) through VC.  
Sh. Gaurav Gupta, Ld. Counsel for 1B(i), 1D, 1E, 2A, 2B, 3B, 3C, 4A and 4B.  
Sh. Mayank Bansal, Ld. Counsel for Lrs of defenant no. 11 alongwith Sh. Sanjay Jain.  
Ld. Counsel for the defendant no. 10 a/w defendant no. 10(d).  
Sh. Akshat Jain, son of defendant no. 10B.  
Ms. Amita Singh, Ld. Counsel for the M/s Urban Improvement Company Pvt Ltd.

M/s Urban Improvement Company Pvt Ltd has placed on record the demand draft for an amount of Rs. 1 Lac bearing no. 221121 dated 03.10.2025, let the same be deposited in the fixed deposits as per the previous order.

The notices ordered to be issued to Smt. Radha, Smt. Indu and Sh. Shashank Jain could not be issued for want of PF and no steps have been taken by the counsel for the defendant no. 1C(a) to 1C(d).

One opportunity is granted to defendant no. 1C(a) to 1C(d) to serve the aforesaid non applicants Smt. Radha, Smt. Indu and Sh. Shashank Jain on filing of PF, RC and Speed Post.

In addition, let a **court notice** be also issued to Smt. Radha, Smt. Indu and Sh. Shashank Jain for the NDOH.

In view of the non compliance with the orders dated 17.09.2025, the defendant no. 1C(a) to 1C(d) are burdened with a cost of Rs. 10,000/- to be deposited with DLSA, Central, THC, Delhi keeping in view the extraordinary delay entailing in the present matter.

The applicant/defendants no. 1C(a) to 1C(d) are at liberty to serve the non applicants through all modes including whatsapp and email through nazarat

Branch on filing of an affidavit stating that the email address and whatsapp no. Belongs to the aforesaid defendants.

No proposals have been filed by any of the other parties.

Ld. Counsel for defendant no. 1B(i), 1D, 1E, 2A, 2B, 2C, 3B, 3C, 3D, 4A and 4B submits that as per their instructions, the proposal from the side of the aforesaid defendants is to sell the suit property by way of auction.

The aforesaid statement is taken on record.

This is an application filed by Lrs of defendant no. 11 under the provisions of Order 39 Rule 1 and 2 CPC.

The pleadings qua the said application are complete.

The present application was filed in the year-2018.

Vide the present application, the applicant has contended that during the proceedings of the present suit, an eviction petition titled Chander Mohan Gupta vs. S.P Chopra seeking eviction of a portion of the property i.e. F-31, First Floor and F-48 on the Second Floor has been settled by the Lrs of plaintiff no. 2 with the partners of M/s S.P Chopra and Company.

It has further been contended that the applicant/Lrs of defendant no. 11 are not aware about the terms of the settlement.

It has further been contended that the possession of the aforesaid property occupied by M/s S.P Chopra and Company has been taken by one of the Lrs of plaintiff no. 2 i.e. Sh. Nitin Gupta.

Vide the present application, directions are sought against Sh. Nitin Gupta to place on record the settlement/compromise as entered with M/s S.P Chopra and Company.

Ld. Counsel for the Lrs of defendant no. 11 fairly concedes that since the said settlement has already been placed on record, the directions qua the same are rendered infructuous.

Ld. Counsel/plaintiff no. 2, present in person submits that the said application has been preferred in December-2018 and since the said date, plaintiff no.

2 is in possession of the said premises and has neither created any third party rights and interest in the said premises i.e. F-31 and F-48 and neither the same would be created during the pendency of the present suit.

The aforesaid statement of plaintiff no. 2 is taken on record and plaintiff no. 2 accordingly is restrained from creating any third party rights and interests in the property bearing no. F-31 and F-48 during the pendency of the present suit which in any case would lead to multiplicity of proceedings.

The application is accordingly disposed off.

Needless to say that rights and contentions of the parties with respect to their respective claims towards mesne profits shall always be open during the pendency of the present suit which is a suit for partition.

Renotify for further proceedings on **04.11.2025 at 12:30 PM.**

Sachin Sood  
DJ-01, Central, THC  
04.10.2025