

Case No. 293/16

30.03.2017

Present: Mr. Israr Ahmed, Ld. counsel for the plaintiff.

Sh. M. S. Rajput, Ld. Counsel for both the defendants along with defendant No. 1 in person.

Ld. Counsel for the defendants seeks some time to make payment of cost of Rs. 2500/-. Let the cost be paid on the next date of hearing.

Replication filed. Copy already supplied. Parties are not present for the purposes of admission-denial of the documents. It is submitted by the parties that they would be proving the documents at the appropriate stage.

Arguments have been addressed on the application under order 39 rule 1 & 2 CPC moved on behalf of the plaintiff.

Present is a suit for permanent, prohibitory and mandatory injunction and for possession.

Through the present application, Ld. Counsel for the plaintiff is seeking restraint order against the defendants restraining them from selling, parting with or creating third party rights in the property or from changing the appearance of the property.

Ld. Counsel for the defendants has submitted that defendants have no intention to create any third party interest or change the appearance of the property. Statement of Ld. Counsel for the defendants has been recorded to this effect which is reproduced hereunder:-

Statement of Sh. M. S. Rawat, Ld. Counsel for both the defendants.

At Bar

I am the counsel for both the defendants as such I am competent

to make statement for and on behalf of both the defendants.

At instructions, I state that both the defendants have no intention to sell, part with or change the appearance of the property or create any third party interest in the suit property bearing No. H. No. 5/171, Gali No. 4, second floor, Lalita Park, Laxmi Nagar, Delhi-92, till pendency of the suit.

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In view of the statement given and to safeguard the suit property so that no irreparable loss and injury is caused to the plaintiff and that the suit is not frustrated by creation of third party interest.

I allow the application under order 39 rule 1 & 2 CPC moved on behalf of plaintiff, restraining the defendants, their agents, employees, servants, heirs, administrators etc. from creating any third party interest or changing the appearance of the suit property bearing No. H. No. 5/171, Gali No. 4, second floor, Lalita Park, Laxmi Nagar, Delhi-92, till disposal of this case.

At this stage, Ld. Counsel for the plaintiff has submitted that he would be moving appropriate application to amend the plaint. He is at liberty to do so.

Put up for further proceedings on 19.07.2017.

(NISHA SAXENA)

Additional District Judge-03
East District/KKD Courts/Delhi

30.03.2017

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