

Case No. 1442/16

02.09.2016

Present: Sh. S. P. Kulkarni, Ld. Counsel for plaintiff.

Sh. Arvind Kumar Tyagi, Ld. counsel for D-1.

None for D-2.

Proxy counsel for D-3, 4 and 5.

Matter is listed today for replication, admission-denial of documents/ framing of issues.

Arguments have been addressed on the application u/o 39 rule 1 & 2 r/w S. 151 CPC.

It is submitted by Ld. Counsel for plaintiff that D-2 to D-5 are supporting their case. It is not disputed that property in question is belonging to Smt. Prakash Devi W/o Late Sh. Shankar Singh who died on 15.03.2007. Her death certificate has already placed on record.

It is claimed on behalf of plaintiff that Smt. Prakash Devi died intestate and it is the case of the D-1 that Smt. Prakash Devi executed the General Power of Attorney, Agreement to Sell and Receipt on 15.05.1998 in favour of the husband of defendant No. 1 namely Late Sh. Ved Prakash and after demise of her husband, defendant No. 1 is the absolute owner of the suit property. However, it is submitted by Ld. Counsel for D-1 that during the pendency of the present suit, they have no intention to create any third party interest or to sell out the property and he is ready to give statement in this regard.

In view of the submissions so made, statement of Ld. Counsel for defendant No. 1 Sh. Arvind Tyagi, is recorded separately to this effect which is reproduced hereunder: -

*At Bar*

*I am counsel for defendant No. 1 as such I am competent to make statement for and on behalf of defendant No. 1. As per instructions, I state that defendant and her agents etc. shall not create mortgage, sell out or create any third party interest in respect of suit property bearing No. A-330, Budha Marg, Mandawali, Delhi-92, during the pendency of the present suit.*

In view of the statement so given by Ld. Counsel for defendant No. 1, I allow the application moved by the plaintiff u/o 39 rule 1 & 2 r/w S. 151 CPC granting ad-interim injunction in favour of the plaintiff and the defendant and her agents etc. shall not create any third party interest in the suit property i.e. A-330, Budha Marg, Mandawali, Delhi-92, during the pendency of the present suit.

The parties have not filed any original documents on record, hence, they are not pressing for the admission-denial of the documents. One last and final opportunity is granted to the parties to file original documents on record for the purpose of admission-denial of the documents as well as for framing of issues on 02.12.2016.

**(NISHA SAXENA)**

Additional District Judge-03  
East District/KKD Courts/Delhi  
02.09.2016

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