

CS No.294/25
Jagdish Chand Vs. Love Kumar Rana Lovely

10.10.2025

Present: Mr. Harsh, Ld. Proxy Counsel for the plaintiff.
Mr. J.K. Sinha, Ld. LAC for defendants no. 2 and 3.
None for defendant no. 1.

Summons were served upon defendant no. 1 on 28.05.2025.

No one has appeared on his behalf nor has he filed written statement. His defence is struck off.

Written statement has been filed by defendants no. 2 and 3 on 30.06.2025. It is taken on record.

Ld. LAC for defendants no. 2 and 3 submits that he has no objection if the application of the plaintiff under Order 39 Rules 1 & 2 of CPC is allowed without prejudice to the rights and contentions of defendants no. 2 and 3.

He submits that the present suit has been filed by the plaintiff in connivance of defendant no. 1.

He submits that the plaintiff is father of defendant no. 1 and defendant no. 2 is wife of defendant no. 1. He states that defendant no. 3 is son of defendants no. 1 and 2.

He submits that due to matrimonial dispute between defendants no. 1 and 2, the plaintiff has instituted the present suit

for eviction of defendants no. 2 and 3 from the suit property which is the matrimonial home of defendant no. 2.

In view of the no objection given, the application under Order 39 Rules 1 & 2 r/w Section 151 CPC is allowed without prejudice to the rights and contentions of defendants no. 2 and 3. The defendants are restrained from creating third party interest in the suit property forming part of property bearing no. 10/370, Khasra no. 266/16, Lalita Park, Laxmi Nagar, Delhi, shown in red colour in the site plan filed alongwith the plaint till disposal of the suit.

The defendants are also restrained from carrying out changes and altering the said property.

Let replication be filed within 30 days from receiving copy of the written statement.

Let affidavits of admission and denial of documents and proposed issues be filed by the next date of hearing after supplying advance copy to the opposite party atleast seven days prior to the next date of hearing.

To come up for framing of issues on 28.11.2025.

(Shirish Aggarwal)
District Judge-03
East District, KKD Courts,
Delhi, 10.10.2025