

CS No. **3224**/16
11.03.2019

Present : Sh. Rajesh Sharma, Ld. Counsel for plaintiff.
Sh. Trilok Chand, Ld. Counsel for defendant no. 1
along with defendant no. 1.
None for defendant no. 2 to 8.
Ld. Proxy Counsel for LRs of defendant no. 9.

Vide order dated 29.05.2015, Hon'ble Delhi High Court has observed that defendant no. 2 to 9 have been served.

An application under Order 39 Rule 1 and 2 CPC read with Section 151 CPC has been moved on behalf of plaintiff wherein it is stated that the plaintiff came to know that defendant no. 1 is intending to sell the suit property.

Perusal of record reveals that vide order dated 26.11.2014, ex parte stay was granted to the plaintiff whereby the defendants were restrained from selling, transferring, alienating or otherwise parting with possession of the suit property till next date of hearing.

Ld. Counsel for defendant no. 1 has stated at bar

that he has no objection if the ex parte stay granted vide order dated 26.11.2014 is made absolute.

The present is a suit for partition filed by the plaintiffs on the ground that father in law of plaintiff no. 1, namely, Sh. Masih Charan was the absolute owner of the suit property and he had died intestate. The defendant no. 1 has claimed himself to be separate and exclusive owner of the suit property on the ground that GPA, Agreement to Sell, Receipt etc. were executed in his favour by M/s. Bharat Land & Finance Company.

Both the parties are setting up rival titles qua the suit property. It is in the interest of justice that the status quo qua the suit property is maintained so as to avoid of multiplicity of litigation. Accordingly, the application under Order 39 Rule 1 and 2 CPC moved on behalf of plaintiffs is allowed. Defendants are hereby restrained from selling, alienating or creating any third party interest with respect to the suit property i.e. property bearing No. S-360, School Block, Shakarpur, Delhi – 92, till the final disposal of the present suit.

Nothing stated hereinabove, shall tantamount to expression of opinion on the merits of case.

Re-list the matter for replication / admission and
denial of documents / framing of issues on 09.04.2019.

(Shuchi Laler)
ADJ-04(East District) KKD
Delhi/11.03.2019