

C.S. No.: 2163/15

05.04.2016

Present:- Sh. Man Mohan Swaroop, ld. counsel for the plaintiffs.
Sh. Punit Budhiraja, ld. counsel for the defendants along
with defendants in person.

Ld. Counsel for the plaintiffs submits that his application under Order 39 Rule 1 and 2 CPC is pending adjudication.

During the course of proceedings, the defendants submit that they have not carried out the construction in the suit property i.e. ground floor, F-21/16, Krishna Nagar, Delhi-51 admeasuring 80 sq. yds. as shown in red colour in the site plan and till the pendency of the suit, without prejudice to thier rights and contentions they shall not carry out any construction in the suit property. They further submit that without prejudice to their rights and contentions, they have no intention to alienate, transfer, sell, mortgage or create third party interest in the aforesaid suit property and dispossess the plaintiffs from the aforesaid suit property without due process of law till the pendency of the present suit.

Separate statement of the defendants is recorded in this regard.

Ld. counsel for the plaintiffs submits that in view of the separate statement of the defendants, his application under Order 39 Rule 1 and 2 CPC be disposed off as satisfied.

In view of the separate statement of the defendants and the submission made by ld. counsel for the plaintiffs, **the defendants are hereby restrained from carrying out any construction in the suit**

property i.e. ground floor, F-21/16, Krishna Nagar, Delhi-51 admeasuring 80 sq. yds. as shown in red colour in the site plan till the pendency of the suit. They are also restrained from alienating, transferring, selling, mortgaging or creating third party interest in the aforesaid suit property and also restrained from dispossessing the plaintiffs from the aforesaid suit property without due process of law till the pendency of the present suit. Accordingly, the application under Order 39 Rule 1 and 2 CPC is disposed off.

Re-notify this matter for reply and disposal of the application under Order 7 Rule 11 CPC, replication, admission/denial of documents and framing of issues on 08.06.2016. Parties are directed to appear in person.

(Anurag Sain)
ADJ-2, East, Karkardooma Court,
Delhi/05.04.2016