

C.S. No. 515/18

04.08.2018

Present: Mohd. Danish, counsel for plaintiff with plaintiff.

Sh. Vijay Kumar, counsel for defendant.

Counsel for defendant submits that copies of plaint and documents not supplied to him and has moved an application u/s. 151 CPC on behalf of the defendant in this regard. Copy given.

Let the same be supplied to him.

An application u/o. 39 R 1 and 2 r.w.s. 151 CPC on behalf of plaintiff is pending for disposal. Ld. Counsel for plaintiff submits that as per the agreement, plaintiff had paid a sum of Rs. 5,51,000/- out of the total consideration amount of Rs. 20,00,000/-. It is further stated by the plaintiff as per agreement, an amount of Rs. 14,49,000/- would be paid by the plaintiff to the defendant before 30.6.18 i.e. the date of execution of the sale deed of the suit property and hence the present suit is filed.

Considering the pleadings of the parties and arguments made, I consider that a prima facie case in favour of the plaintiff. The balance of convenience is also in favour of the plaintiff and he will face irreparable in case of creating 3rd party interest. Accordingly application u/o. XXXIX R 1 and 2 CPC is allowed.

Defendant is restrained from creating any 3rd party interest till the disposal of the suit. Let defendant appear in person on the next date of hearing for exploring the possibilities of settlement.

Put up on 21.8.2018 for filing of Written statement/compromise.

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(SIDHARTH SHARMA)
ADJ-03(E):KKD:DELHI/04.08.2018