

13.04.2026

Pr. Sh. Sandeep Kumar, Ld. Counsel for plaintiff.

Sh. Deepak Sharma, Ld. Counsel for defendants No.1 and 2.

Sh. Sunny, Ld. Proxy Counsel for defendant No.3.

Sh. Shiv Dutt Kaushik, Ld. Counsel for DUSIB/D-4 through VC.

An application under Order I Rule 10 CPC bearing I.A. No. 1/2026 is pending. By virtue of instant application, the plaintiff is seeking impleadment of DUSIB as party in the instant suit. It is stated that the suit property is covered under the care of DUSIB and no prejudice would be caused to any party, in case the present application is allowed.

Perusal of record reveals that vide order dated 23.01.2025, Ld. Predecessor had observed that let DUSIB be arrayed as defendant No.4 in the present suit. As DUSIB is already a party in the present suit, the instant application is disposed off as infructuous. Amended memo of parties is hereby taken on record.

Ld. Counsel for plaintiff submits that the plaintiff does not wish to file the amended plaint. Written statement of defendants is already on record. Ld. Counsel for plaintiff submits that he has not received the W/S of defendant No.4. Same be supplied today itself against acknowledgement. Replication to written statement

of defendant No.4 be filed within 30 days from the date of receipt of written statement with advance copy to opposite side.

Ld. Counsel for plaintiff submits that he does not wish to file replication to written statement of defendants No.1 to 3.

Perusal of record reveals that an application under Order XXXIX Rules 1 & 2 CPC is also pending adjudication, wherein ad-interim restraint order against creation of third party interest and forcible dispossession of plaintiff from the suit property has been sought. Ld. Counsel for plaintiff submits that the plaintiff is restricting his relief only to the extent of temporary injunction against creation of third party interest and is not pressing for the relief of restraint order against forcible dispossession.

Arguments heard. Record perused.

The case of the plaintiff is that the father of the parties Sh. Kishan Lal was the original allottee of the suit property bearing No. 17/300, ad-measuring 22.5 sq. yards situated in Kalyanpuri, Shahdara, Delhi-91 and he died intestate, consequently, the suit property is liable to be partitioned among the plaintiff and defendants No.1 to 3.

Defendant No.3 is supporting the case of plaintiff. Defendants No.1 and 2, in their written statement, have alleged that the plaintiff and defendant No.3 had already taken their share in the suit property during the lifetime of their deceased father in cash.

Ld. Counsel for defendant No.4 submits that the suit property belongs to DUSIB and the same cannot be partitioned among the parties.

At this stage, it is an admitted position that father of the parties late Sh. Kishan Lal was the allottee of the suit property and he expired intestate. Ld. Counsels for plaintiff and defendants No.1, 2 and 3 submit that the parties will take appropriate steps for conversion of the suit property into a freehold property under the scheme of defendant No.4. In order to avoid multiplicity of litigation, it is essential that the status quo qua the suit property is maintained. Accordingly, the application under Order XXXIX Rules 1 & 2 CPC is allowed. Defendant No.1, 2 and 3 are, hereby, restrained from selling, alienating or creating any third party interest in the suit property bearing No. 17/300, ad-measuring 22.5 sq. yards situated in Kalyanpuri, Shahdara, Delhi-91, till disposal of the present suit.

On the basis of the pleadings of the parties, which are on record, the following issues are framed:-

1. Whether the plaintiff is entitled to declaration as prayed? OPP.
2. Whether the suit property is liable to be partitioned, if so, in what manner and what would be the share of the parties? OPP.
3. Whether the plaintiff is entitled to relief of permanent injunction as prayed? OPP.
4. Whether the plaint does not disclose any cause of action? OPD1 & D2.
5. Whether the instant suit is bad for mis-joinder of proper parties? OPD1 & D2.
6. Whether the suit property is non-transferable nor divisible? OPD4.

7. Relief.

No other issue arises or pressed for. List of witnesses be filed within 15 days.

Settlement efforts made. There are chances of settlement in the present matter.

Request is made for reference of the matter to mediation Centre.

At joint request, present case is referred to Mediation Centre, for **20.04.2026 at 12:30 p.m.** to explore the possibility of settlement. Both the parties are directed to appear before the Mediation Center on the date and time fixed.

Put up for report of settlement, failing which for PE/cross on **08th and 09th of June, 2026**. Evidence by way of affidavit be filed and advance copy be supplied at least two weeks prior to the NDOH against acknowledgement.

(SHUCHI LALER)
District Judge-02 (East),
Karkardooma Courts/13.04.2026