

C. S. No. 2956/16

17/04/2018

Present: Sh. A.S. Rajput, Ld. Counsel for the plaintiff with plaintiff.

Sh. Mohd. Khadim Khan, Ld. Counsel for the defendants.

Reply to the application under order 7 rule 11 CPC filed. Copy given.

Heard.

The contentions as to cause of action and jurisdiction, raised are matter of trial and the plaint can not be outrightly rejected under order 7 rule 11 CPC. With this observation, the application under order 7 rule 11 CPC stands dismissed.

Pleadings are complete. As per the plaint, suit property was purchased by the plaintiff in the year 1982 from Sh. Dharam singh and after raising construction he had started living in the suit property. Defendant who are his cousin brothers used to come from native village in search of employment and some time used to stay with plaintiff for months together. As per plaint, in March 2013 plaintiff got sick and went to his native place and on 30/03/2013 defendants requested plaintiff to permit them to live in the suit property as licensee for a period of one year or till recovery of health of plaintiff as defendants were staying on rent. Plaintiff permitted the defendants and in May 2014 he came to Delhi and requested the defendants for vacating the suit property but the defendants sought some time. Again in November 2014 he requested the defendants but defendants sought some more time. Finally legal notice was sent on 18/06/2016 for terminating the licence of defendants and present suit was filed on 15/07/2016.

In the WS defendants admit purchase of suit property by the plaintiff but states that money was arranged by defendants also for construction and

defendants were also residing at that time with the plaintiff. It is further stated in the written statement that after constructing the demised property they all started living together and plaintiff after 8-9 months of stay in Delhi left for his native place due to some family and other unknown reasons and never returned except at the time of selling of property in favour of defendant no. 2 in May 2001.

Both parties are having unregistered documents pertaining to suit property. In view of the relationship between the parties and willingness of parties and their counsel before settling issues, the case be referred to Mediation Centre, KKD for 27/04/2018 at 2:00 PM and to come up before the present Court for report and settlement of issues if need be, on 06/07/2018.

(Vipin Kumar Rai)

Additional District Judge-03
East District/KKD Courts/Delhi
17.04.2018