

S No.713/17

Pramila Mehto v. Mahesh Kumar & Ors.

15.01.2019

Present : Sh. S S Singh, ld. counsel for the plaintiff.

Sh. Harshit Gulati, ld. counsel alongwith defendant
No.1.

It is stated by the ld. counsels present that admission/denial shall be done and ld. counsel for the plaintiff states that he has also placed on record copies of the documents as per list, filed in the court on dated 30.10.2017 and would therefore, also file originals thereof, starting from the legal notice dated 18.04.2017.

Admission/denial is done.

Following issues have been framed :-

- 1. Whether plaintiff is entitled for the decree of possession, as claimed in prayer clause 'a' of the plaint ? OPP.**
- 2. To what damages, the plaintiff is entitled, and if so, at what rate and for what period ? OPP.**
- 3. Relief.**

No other issue arises or pressed for, hence explained. Put up on 20.05.2019 for RPE. Advance copies of affidavits of PWs shall be supplied to the opposite party atleast a month before NDOH. List of witnesses be filed within 15 days.

At this stage, it is submitted that there is an interim application pending in the matter. I have heard arguments by the ld. counsels and ld. counsel for the defendants has

forcefully, submitted that the suit itself is not maintainable, as based on the bogus documents, whereas, on the other hand, Id. counsel for the plaintiff has submitted that the suit property needs to be preserved and I am of the considered opinion that grant of injunction can be justified to avoid multiplicity of litigation between the parties, and therefore, there appears to be a prima facie case on the horizon and even the factors of irreparable loss and balance of convenience also go therewith and as the defendants are, admittedly, stated to be in physical possession of the suit property, and as such, parties are directed to maintain status-quo, in terms of the site plan Ex.P-1, during the pendency of the suit. Nothing of my this order shall have any reflection whatsoever on the merits of the case in any manner. Injunction application is disposed off accordingly.

(Sanatan Prasad)
Additional District Judge-01
(East)/KKD/Delhi / 15.01.19