

SHRI RAM DAYAL VERMA Vs. SHYAM VERMA

12.12.2023

Present: Plaintiff with Ld. Counsels Ms. Usha Sharma and Sh. Vikas.
Ld. Counsels Sh. C.M. Verma & Ms. Vimlesh Gupta on
behalf of D-1 & 2.
D-5 in person.

Defendant submits that he has not received the legible copies of plaint and documents.

Plaintiff is directed to supply the same within the course of the day.

It is submitted by Ld. Counsel for plaintiff that defendant no.3, 4 & 5 are supporting the case of plaintiff and ready to give their statement in this regard.

It is further submitted by Ld. Counsel for plaintiff that in case no interim stay is granted, the purpose to decide the application u/o 39 Rule 1 & 2 CPC would be defeated. It is further submitted that the suit property was purchased from the funds of consideration amount received after selling the ancestral property.

It is submitted by Ld. Counsel for defendant that suit property does not belong to the deceased mother only however, half share in the suit property belongs to the defendant no.2 and due to this reason, the interim stay should not be granted in respect of her share in the suit property.

In view of the submissions made by the counsels for the parties, I am of the considered opinion in the interest of justice, defendants should be restrained from creating any third party interest atleast in the half share of the suit property which is apparently to be belonged to their mother till the next date of hearing.

Accordingly, defendants are directed not to create any third party interest atleast in the half share of the suit property till the next date of hearing.

Let the W.S. of the defendant be filed by NDOH with advance copy to the plaintiff/ counsel.

Put up for recording statement of D-3 to D-5 on 15.01.2024.

(Pooja Jain)
Addl. District Judge-03
East/KKD Courts/Delhi
12.12.2023