

CS62/23

JAYA SHARMA Vs. BINDA SHARMA AND ANR

06.11.2023

Present: Ms. Raman Roselina, ld. Proxy counsel for plaintiff along with plaintiff.
Sh. R.S. Rawat, ld. counsel for defendants.

Replication filed on 01.11.2023. copy supplied.

An application under Order XXXIX Rule 1 & 2 CPC is pending disposal vide which ld. Counsel for plaintiff seeking interim injunction that defendants be restrained from creating third party interest in the property in question. Ld. Counsel for defendants submits that as per the instructions of the defendants, the defendants will not create any third party interest in the property in question. In view of the submissions of ld. Counsel for defendants, the application under Order XXXIX Rule 1 & 2 CPC is hereby disposed off with the order that the defendants are hereby restrained from creating third party interest in the property in question i.e. DS-3, Gali no. 1, Chand Bagh, Near Mazar, Maujpur, Near Shiv Dharam Kanta, Bhajanpura, Delhi till the disposal of the suit. Signatures of ld. counsel for defendants be taken on this order sheet as a proof of correct recording of his submissions.

Pleadings are complete. Admission/denial of documents not pressed. Parties to prove their respective documents during the trial.

From the pleadings of the parties, following issues are framed as under :

(i) Whether the plaintiff is entitled to decree of partition, as prayed for ? OPP

(ii) Whether the plaintiff is entitled to decree of permanent injunction, as prayed for ? OPP

(iii) Whether the defendant no. 2 is the sole owner of the property ?
OPD

(iv) Relief.

No other issue arises or is pressed by the parties at this stage. List of witnesses be filed by the parties within fifteen days. Affidavit(s) of the plaintiff's witness(es) be filed within four weeks with advance copy to the opposite party against receiving two days prior to the next date of hearing.

Put up for PE on 19.01.2024.

(KAPIL KUMAR)
ADJ-01/NE/KKD/DELHI
06.11.2023 sb