

CS No. 58601/16

Sheetal Dagar Vs. Baljeet Singh Dagar

09.08.2017

Present: Shri Anoop Singh Saroha, Ld. Counsel for the plaintiff alongwith plaintiff in person.

Shri Hemant Mehta, Ld. Counsel for the defendant.

This suit has been filed by the plaintiff wife against her husband and father-in-law seeking declaration qua cancellation of gift deed apart from relief of injunction qua restraining defendants from selling, alienating and creating any third party interest in residential flat No. 2111, Sector-C, Pocket 2, DDA Flats, Vasant Kunj, New Delhi. Ld. Counsel for the defendant has in all fairness submitted that during the pendency of suit defendants would maintain status quo and could not create any third party interest without prior permission of the Court. **In view of the above, Order 39 Rule 1 & 2 CPC application stands disposed of.**

Defendant is desirous of bring on record some better particulars which preceded the purchase of the flat in question. Admittedly, the flat in question was purchased jointly in the name of the plaintiff and defendant no.2. However, as per her she was compelled to give gift deed qua her share in favour of her father-in-law.

On the contrary, the case of the defendant that no money was contributed by the plaintiff and she was made co-owner and co-borrower of

the flat only for tax benefits. In so far as issues in this case are yet to be casted the amendment sought are allowed.

Amended written statement be filed on record within two weeks as provided under Order 6 Rule 18 CPC. Advance copy be supplied to the plaintiff so that she can file replication.

To come up for admission/denial of documents and framing of issues on **18.09.2017**.

(Surinder S. Rathi)
ADJ-03/PHC/NEW DELHI
09.08.2017