

CS No.62/25

SANTOSH JAIN Vs. ANIL KUMAR JAIN

24.04.2025

Present: Sh. Atul Jain, Counsel for the plaintiff.

Sh. Kamal Singh, Counsel for the defendant with
defendant in person.

Written statement, list of documents, reply to application under Order XXXIX Rule 1 and 2 CPC and application for condonation of delay in filing the written statement filed by defendant alongwith vakalatnama. Copy given.

I have heard the ld. Counsels on application for condonation of delay. It is stated by defendant there is delay of about 16 days. It is clarified that written statement could not be filed in time due to eye surgery of the mother of defendant. Ld. Counsel for plaintiff stated that in order to avoid any delay, he is not opposing the condonation of delay but court may consider it subject to cost. Heard. In view of the explanation and submissions in interest of justice, delay in filing of written statement stands condoned subject to cost of Rs.2500/-.

I have heard the ld. Counsels on the application under Order XXXIX Rule 1 and 2 CPC. It is submitted on behalf of plaintiff that he has filed the suit for eviction and permanent injunction in respect of property i.e. ground floor and first floor of property bearing no. E-41, Out of Khasra No.1ETC/48-49 in the area of Village Ghonda, Chauhan Banger, in the Abadi of gali no.10, Brahampuri, Ilaqua Shahdara, Delhi-110053. According to

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the averments of the plaintiff, being the real brother of the father of plaintiff, defendant was allowed as a licensee to use the ground floor and first floor of suit property for a limited period. In written statement the claim of the defendant is that he is real owner/ landlord of the property in question. During course of arguments it is not disputed by either side that plaintiff is in possession of the ground and first floor portion of suit property. It is clarified by defendant that no new construction of shop has been carried out by him but some renovations were made in respect of shop at ground floor which has already been completed. It is submitted on behalf of both the parties that in order to protect the suit property, all the parties may be directed to maintain status quo till the disposal of the suit and application under Order XXXIX Rule 1 and 2 CPC may be disposed of accordingly. Keeping in view the above discussion, application under Order XXXIX Rule 1 and 2 CPC is disposed of and both the parties, their agents, associates and all other are directed to maintain 'status quo' in respect of above mentioned suit property till the disposal of the suit.

Time requested to file replication and rejoinder. Let the same be filed within 30 days. Advance copy be given.

Put up for following steps:

- 1) For filing of replication/rejoinder by plaintiff. Advance copy be given.
- 2) Filing of documents by the parties within next 30 days by giving advance copy to the opposite parties.

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3) Filing of affidavit of admission and denial of documents by both the parties at least 7 days prior to next date of hearing by giving advance copy to opposite party.

4) Completion of pleadings, production of original documents, admission and denial of documents and framing of issues.

5) Parties to appear in person.

Fix for 31.05.2025.

Copy of the order be given dasti.

(SANJEEV JAIN)
Principal District & Sessions Judge
North-East, Karkardooma Courts,
Delhi/24.04.2025