

EX No. 142/18
M/S CAPITAL FIRST LIMITED Vs. MOHD . NAFISH

18.11.2022

Present: None for DH.

Matter is fixed for deposition of cost / further proceedings.

On perusal of record, it is transpired that vide its order dated 15.07.2022, the Court has already observed that there is repeated default on the part of DH in compliance of previous order. It has also been observed that DH has not yet deposited the cost imposed vide order dated 12.11.2021, till date. Further, it was clarified that in case there is further default, the present execution petition shall be dismissed. Despite of such specific order, DH has not bothered with the orders passed by this Court.

In the interest of justice, no adverse order is being passed, at this stage.

Be awaited for appearance of DH.

MONA TARDI KERKETTA
ADJ01/NE/KKD/DELHI
18.11.2022 pk

EX No. 352/18

HDB FINANCIAL SERVICES LTD. Vs. ASHOK KUMAR & ANR

18.11.2022

Present: None for DH.

Matter is fixed for deposition of cost / further proceedings.

Neither statement of account in compliance of order dated 15.02.2021 has been filed nor has the cost has been deposited imposed vide order dated 26.07.2022. No one has appeared on behalf of DH to explain the defaults.

In the interest of justice, no adverse order is being passed, at this stage.

Be awaited for appearance of DH.

MONA TARDI KERKETTA
ADJ01/NE/KKD/DELHI
18.11.2022 pk

CS No. 68/19
SATYA PAL SINGH Vs. BHUPENDRA AND ORS

18.11.2022

Present: Sh. Mohit Bansal, learned proxy counsel for Sh. Pramod Tyagi, for plaintiff alongwith plaintiff in person.
None for defendant no.1.
Sh. Yogesh Dass, learned counsel for defendant no.2 and proposed defendant Sh. Yashpal Rawat.

Matter is fixed for further proceedings.

Fresh vakalatnama on behalf of proposed defendant and an application under Order I Rule 10 r/w Sec. 151 CPC seeking impleadment of proposed defendant filed. Copy of the application supplied.

Plaintiff is directed to file reply to the aforesaid application with an advance copy to the opposite party against receiving.

List for reply and arguments on the aforesaid application, on **09.02.2023.**

MONA TARDI KERKETTA
ADJ01/NE/KKD/DELHI
18.11.2022 pk

EX No. 257/20
SURAJ PAL Vs. NARENDER NATH JHA

18.11.2022

Present: None.

Matter is fixed for further proceedings.

On perusal of record, it is revealed that vide order dated 12.09.2022, the application of DH for taking on record fresh address of JD has been allowed.

Issue warrants of attachment against the movable assets of JD, at his fresh address, on filing of PF, as per list of articles and subject to Section 60 of CPC.

DH to appear before the Ld. ACJ on 22.12.2022 and to report before this Court on **24.02.2023**. Steps be taken at the earliest.

MONA TARDI KERKETTA
ADJ01/NE/KKD/DELHI
18.11.2022 pk

CS No. 272/21

Punjab National Bank Vs. RAVINDER KUMRA AND ORS.

18.11.2022

Present: Sh. Arun Bhardwaj, learned counsel for plaintiff.
None for defendants.

Matter is fixed for service of defendants.

As per record, steps not taken. It is submitted that he has instruction from plaintiff bank to withdraw the present suit as the matter has been settled between the parties and the loan account of defendants has been upgraded.

Vide separate statement of learned counsel for plaintiff, the present suit is disposed off being settled.

File be consigned to record room after due compliance.

MONA TARDI KERKETTA
ADJ01/NE/KKD/DELHI
18.11.2022 pk

18.11.2022

Present: Sh. Sanjeet Kumar, learned counsel for plaintiff.
Sh. Nitin Kumar, learned proxy counsel for Sh. Atul Kumar,
for defendant alongwith defendant.

Matter is fixed for report of mediation center / further proceedings.

Mediation report received. As per the same, the matter stands settled between the parties before the Mediation Center on 02.09.2022.

Vide separate statement of learned counsel for plaintiff, the present suit is disposed off being settled subject to just exception in terms of Ex.P-1.

Since the matter stands settled in mediation, the plaintiff is entitled for refund of court fees under Section 16 of the Court Fees Act.

File be consigned to record room, after due compliance.

MONA TARDI KERKETTA
ADJ01/NE/KKD/DELHI
18.11.2022 pk

EX No. 88/22
MOHD. SALEEM Vs. ASHU KHAN

18.11.2022

Present: Sh. Rohit Yadav, learned counsel for plaintiff.

Matter is fixed for service of JD.

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List for

MONA TARDI KERKETTA
ADJ01/NE/KKD/DELHI
18.11.2022 pk

MISC DJ No. 309/22
ASHA RAM THROUGH ITS LEGAL HEIR SH. AMIT KUMAR
ANDANJALI Vs. SURENDER KUMAR AND ANR

18.11.2022

Present: Sh. Anil Kumar, learned proxy counsel for Sh. R.S. Goswami,
for applicant/plaintiff.

Matter is fixed for further proceedings.

Suit file received.

Submissions of the learned proxy counsel for the applicant are
heard. Record perused.

It is observed that the suit of the plaintiff/applicant was
decreed vide judgment and decree dated 18.02.2022. It is further observed
that during the trial, the plaintiff had filed certain original documents,
which the plaintiff/applicant now intends to take back from the court
record.

In view of the submissions of the learned counsel for the
applicant/plaintiff, the present application for return of original documents
of the applicant/plaintiff is hereby allowed. The original documents be
returned to the applicant/plaintiff after retaining certified copies of the
same, on record and against due acknowledgment and proper identification.

The present application is disposed off accordingly.

File be consigned to record room, after due compliance.

Suit file be sent back to record room.

MONA TARDI KERKETTA
ADJ01/NE/KKD/DELHI
18.11.2022 pk

CS No. 238/22
LAXMI DEVI Vs. PRADEEP KUMAR AND ANR

18.11.2022

Fresh suit for recovery of possession and mesne profit was received by way of assignment on 12.10.2022. It be checked and registered.

Present: Sh. Godson George, learned counsel for plaintiff.

Submissions heard. Record perused.

List for consideration, on **09.12.2022**.

MONA TARDI KERKETTA
ADJ01/NE/KKD/DELHI
18.11.2022 pk

18.11.2022

Fresh suit for defamation and compensation for damages of the reputation and loss of property of the plaintiff is received through E-filing portal of the Court. It be checked and registered.

Present: Sh. S.S. Rajor, learned counsel for plaintiff alongwith plaintiff in person.

Submissions heard. Record perused.

Issue summons of the suit for settlement of issues and notice of the application under Order XXXIX Rule 1 & 2 r/w Sec. 151 CPC, to defendants, on filing of PF/RC/Speed Post/Regd. AD/approved courier, for **06.02.2023**. Tracking report be filed. Steps be taken within four weeks.

MONA TARDI KERKETTA
ADJ01/NE/KKD/DELHI
18.11.2022 pk

18.11.2022

Fresh suit for specific performance and recovery of earnest money alongwith interest is received by way of assignment. It be checked and registered.

Present: Ms. Sandhya Sharma, learned counsel for plaintiff alongwith plaintiff.

Submissions heard. Record perused.

Issue summons of the suit for settlement of issues and notice of the application under Order XXXIX Rule 1 & 2 r/w Sec. 151 CPC, to defendant, on filing of PF/RC/Speed Post/Regd. AD/approved courier, for **07.02.2023**. Tracking report be filed. Steps be taken within four weeks.

MONA TARDI KERKETTA
ADJ01/NE/KKD/DELHI
18.11.2022 pk

CS No. 285/22
MUKESH KUMAR KASHYAP Vs. VIKAS AND ORS

18.11.2022

Fresh suit for cancellation, restoration of possession, damages and consequential relief of permanent injunction is received by way of assignment. It be checked and registered.

Present: Sh. Kapil Kumar, learned counsel for plaintiff alongwith plaintiff in person.

Submissions heard. Suit file perused.

On perusal of plaint, it is transpired that the valuation para is defective. Plaintiff is given opportunity to amend the plaint. Further, plaintiff is directed to bring the original supporting documents.

List for consideration, on **15.12.2022**.

MONA TARDI KERKETTA
ADJ01/NE/KKD/DELHI
18.11.2022 pk

CS No. 286/22
NARESH SHARMA Vs. ABHISHEK KUMAR

18.11.2022

Fresh suit under Order XXXVII CPC for recovery of Rs.4 lakhs alongwith interest is received by way of assignment. It be checked and registered as per rules.

Present: Sh. Shailender Kumar Pandey, learned counsel for plaintiff.

Submissions heard. Record perused.

Issue summons for appearance in prescribed proforma under Order XXXVII CPC to the defendant on filing of PF/RC/Regd. Post/Approved/Speed Post, for **23.01.2023**. Tracking report be filed. Steps be taken within four weeks.

MONA TARDI KERKETTA
ADJ01/NE/KKD/DELHI
18.11.2022 pk

18.11.2022

Fresh suit for recovery of Rs.5 lakhs is received by way of assignment. It be checked and registered as per rules.

Present: Sh. Sagar Sharma, learned proxy counsel for Sh. Praduman Sharma, for plaintiff.

Submissions heard. Record perused.

Plaintiff to clarify on maintainability of the present suit before this Court and not before the Commercial court of competent jurisdiction.

List for consideration, on **21.12.2022**.

MONA TARDI KERKETTA
ADJ01/NE/KKD/DELHI
18.11.2022 pk

MISC DJ No. 350/22
NASEEMUDDIN Vs. NASREEN AND ORS

18.11.2022

Fresh application under Order XXXIX Rule 2A r/w Sec. 151 CPC and Section 11 & 12 of Contempt of Courts Act, 1971 is received by way of assignment. It be checked and registered as per rules.

Present: Sh. Y.K. Sharma, learned counsel for applicant.

Submissions heard. Record perused.

Issue notice of the present application to non-applicants/respondents on filing of PF/RC/Speed Post/Approved courier/Regd. Post, for the date fixed in the connected matter i.e. **28.01.2023**. Tracking report be filed. Steps be taken at the earliest.

MONA TARDI KERKETTA
ADJ01/NE/KKD/DELHI
18.11.2022 pk

LAC No.01/19
BATI AND OTHERS Vs. UOI (GARH MENDU) & ANR

18.11.2022

Present: Sh. Inder Singh, learned counsel for LR's of petitioner.
Sh. Naveen Kant, learned proxy counsel for Sh. Jaswant Roy,
for respondent no.1.
Sh. Kshitiz Ahuja, learned counsel for respondent no.2.
None for remaining respondents.

Matter is fixed for framing of issues in terms of orders dated
27.09.2019.

Pleadings of the parties are already complete. From the
pleadings of the parties, following issues are framed as under :

- (i) Whether the petitioner is entitled for recovery of market value
of the land @ Rs.20,000/- per sq. yards alongwith 30% solatium, as
claimed in the petition ? OPP
- (ii) Whether the petitioner is entitled for 12% additional amount
under Section 23 (i)(a) of LAC Act from the date of notification under
Section 4 of LAC Act, till the date of award or possession, whichever is
earlier ? OPP
- (iii) Whether the petitioner is entitled for interest, if so at what rate
and for which period ? OPP
- (iv) -----
- (v) Whether the present petition is barred by limitation ? OPR-2
- (vi) Relief.

No other issue arises or is pressed by the parties at this stage.
List of witnesses be filed by the parties within two weeks. Affidavits of the
witnesses of the parties be filed within four weeks with advance copy to the
opposite party against receiving two weeks prior to the next date of

hearing.

List for PE on **15.03.2023**, as requested.

MONA TARDI KERKETTA
ADJ01/NE/KKD/DELHI
18.11.2022 pk

18.11.2022

Present: A.S. Juneja, learned counsel for plaintiff along with plaintiff/PW-1 in person.
Sh. M.K. Singh, learned proxy counsel for Sh. Sudhir Kumar Singh, learned counsel for defendant.

Matter is fixed for cross-examination of PW-1.

An adjournment is sought on behalf of defendant submitting that the main counsel is unwell. In the interest of justice, one last and final opportunity is given with clarification that in case cross-examination of PW-1 is not conducted even on the next date, the opportunity to cross examine PW-1 shall be closed.

List for purpose fixed, on **12.01.2023**. Date has been given as per convenience of both the counsels and parties.

MONA TARDI KERKETTA
ADJ01/NE/KKD/DELHI
18.11.2022 pk

CS No. 91/21
USHA SHARMA Vs. NARENDER KAUSHIK AND ORS.

18.11.2022

Present: Sh. Rakesh Kumar Sinha and Sh. R.P. Tiwari, learned counsels for the plaintiff alongwith plaintiff/PW Usha Sharma.
Sh. Piyush Sharma, learned proxy counsel for Sh. Nand Lal Yodha, for defendants.

Matter is fixed for PE.

An adjournment is sought submitting that the main counsel is unwell. The adjournment is allowed for today only subject to payment of diet money of Rs.1,000/- to be paid to witness.

List for payment of diet money / PE, on **17.02.2023**.

MONA TARDI KERKETTA
ADJ01/NE/KKD/DELHI
18.11.2022 pk

CS No. 110/21

RAVI RAJ SABHARWAL Vs. DALIT MANAV UTTHAN SANSTHAN

18.11.2022

Present: Ms. Ritu Sobti, learned counsel for plaintiff.
Sh. Praveen Kumar Singh, learned counsel for defendant.

Matter is fixed for payment of cost / arguments on behalf of defendant on the application under Order XII Rule 6 r/w Order XV Rule 1 r/w Sec. 151 CPC.

An application under Section 151 CPC for waiver of cost filed on behalf of defendant. Copy supplied.

Arguments on the application under Section 151 CPC for waiver of cost heard. Record perused.

In view of the contents of the application and in the interest of justice, the aforesaid application is allowed. Accordingly, the cost imposed vide order dated 24.09.2022 is waived off.

The application is disposed off accordingly.

Arguments on application under Order XII Rule 6 r/w Order XV Rule 1 r/w Sec. 151 CPC heard.

List for clarifications, if any / orders on the aforesaid application, on **10.01.2023**.

MONA TARDI KERKETTA
ADJ01/NE/KKD/DELHI
18.11.2022 pk

CS No. 26/22
DEVI DEEN AND ANOTHER Vs. SMT MUNNI DEVI

18.11.2022

Present: Sh. Ashutosh Tiwari, learned proxy counsel for Sh. S.D. Tiwari, for plaintiffs.
Sh. R.S. Rawat, learned counsel for defendant alongwith defendant.

Matter is fixed for arguments on the interim application on behalf of defendant by way of last opportunity.

Arguments on behalf of defendant on the interim application heard.

List for clarifications, if any / orders during the course of the day.

Monday and Tuesday -----

MONA TARDI KERKETTA
ADJ01/NE/KKD/DELHI
18.11.2022 pk

At – pm

Present : None for the parties.

Vide this order, the Court shall dispose off the aforesaid application.

Following arguments were submitted on behalf of plaintiffs :

a) Plaintiffs are absolute owner of the property no.A-684, Gali No.7/3, Part-1, Near Shiv Durga Mandir, Sonia Vihar, Delhi-110094 by virtue of the sale documents dated 05.10.2021 executed by Smt. Rani Jha, W/o Sh. Anil Kumar in sale consideration of Rs.14,60,000/- and possession of the said property was handed over to plaintiffs and thereafter plaintiffs left to the residence after keeping some valuable items and belongings in

the said property which is built upto second floor.

b) On 01.01.2022, when plaintiffs visited the said property alongwith their family members, they were shocked to see that the main door of the said property is bolted from inside and on calling, defendant came out and stated that the said house is hers, however the same was sold/transferred to plaintiffs on 05.10.2021 through notarized relevant documents by Smt. Rani Jha, real sister of defendant who got the property in question from her father by virtue of Will dated 16.03.2021 executed by Sh. Shri Kant, S/o Sh. Robin Mishra in favour of Smt. Rani Jha.

c) The matter was reported to 100 number by plaintiffs and the PCR came and instructed plaintiffs to approach court of law being the matter of civil nature.

d) Plaintiffs locked the main door of the said property from outside but when plaintiffs reached on the suit property on 01.01.2022, the lock put by the plaintiffs on the main door was missing which amounts that defendant has broken the lock put by plaintiffs on the main door and fraudulently as well as unauthorizedly trespassed the property owned by plaintiffs.

e) Despite several requests of plaintiffs, defendant did not vacate the suit property. Plaintiffs sent a legal notice through their counsel dated 03.01.2022 which was served upon defendant but the same was neither replied nor complied with till date.

f) Plaintiffs also lodged a complaint dated 04.01.2022 to the Commissioner of Police, DCP North-East and SHO PS Khajuri Khas, Delhi but no action has been taken by the concerned police officials regarding the complaint of plaintiffs, till date.

g) By trespassing the suit property, defendant causing loss to plaintiffs for which plaintiffs have demanded Rs.1,000/- per day as

unauthorized occupancy charges from defendant.

h) On the visit of plaintiffs and during their requests to vacate the property, defendant and her husband has clearly stated if they will not succeed to have the property with them, they shall sell the same to some influential person/muscle men, who will teach lesson to plaintiffs.

i) The application may kindly be allowed in the interest of justice.

j) Plaintiff has filed the following documents :

(i) Photocopy of complaint made to Commissioner of Police, PHQ dated 04.01.2022.

(ii) Photocopy of postal receipts.

(iii) Photocopy of legal notice dated 03.01.2022.

(iv) Photocopy of postal receipt.

(v) Site plan.

(vi) Copy of death certificate of Sh. Shri Kant.

(vii) Photocopy of aadhar card of Devideen.

(viii) Photocopy of aadhar card of Suresh Kumar.

(ix) Photocopies of GPA, agreement to sell, receipt, all dated 16.07.2008.

(x) Photocopies of GPA, agreement to sell, Deed of Will, payment receipt, affidavit, possession letter, all dated 26.08.2009.

(xi) Photocopy of driving license of Sh. Tikam Jain.

(xii) Photocopy of Press I Card of Sh. Tikam Jain.

(xiii) Photocopy of Election I card of Smt. Vijaya Devi.

(xiv) Photocopies of GPA, agreement for sale, affidavit, receipt, possession letter, Will Deed, all dated 13.04.2010.

(xv) Photocopies of GPA, agreement to sell, affidavit, receipt, Will, all dated 04.03.2011.

- (xvi) Photocopy of Public Notice published in newspaper “Rashtriya Sahara” dated 28.01.2015.
- (xvii) Photocopy of letter dated 11.02.2015 to SHO PS Khajuri Khas regarding information to PS Khajuri Khas regarding public notice and disowning and debarring.
- (xviii) Photocopy of Will dated 16.03.2021.
- (xix) Photocopies of GPA, agreement to sell and purchase, affidavit, receipt, possession letter, Deed of Will, all dated 05.10.2021.

Following arguments were submitted on behalf of defendant :

- a)
- b)
- c)
- d)
- e)
- f)
- g) Defendant has filed the following documents :
- (i) Photocopy of Election Commission Card of Smt. Munni Devi.
- (ii) Photocopy of Aadhar Card of Smt. Munni Devi.
- (iii) Photocopy of PAN Card of Smt. Shri Kant Jha.
- (iv) Photocopy of front cover of passbook of Smt. Munni Devi.
- (v) Photocopy of ration card of Smt. Munni Devi.
- (vi) Photocopy of Aadhar Card of Deelip Kumar Jha.
- (vii) Photocopy of Election Commission Card of Sh. Dilip Jha.
- (viii) Photocopy of Aadhar Card of Sh. Avinash Jha.
- (ix) Photocopy of Aadhar Card of Sh. Anand Jha.
- (x) Photocopy of Aadhar Card of Sh. Akash Jha.
- (xi) Original postal receipt.

MISC DJ No. 464/19
GULSHAN KUMAR ARORA Vs. UPENDER SINGH

18.11.2022

Present: Sh. U.S Chaudhary, learned counsel for LRs of applicant.
Sh. M.K. Singh, learned proxy counsel for Sh. Kailash Kumar,
for non-applicant.

Matter is fixed for clarifications, if any / orders on the
application of Lrs of applicant under Section 114 r/w 47 CPC.

No clarification is required.

List for orders during the course of the day.

MONA TARDI KERKETTA
ADJ01/NE/KKD/DELHI
18.11.2022 pk