

CS No. **156**/19
27.03.2019

Present : Sh. Avnish Tyagi, Ld. Counsel for plaintiff.
Sh. N.K. Goel, Ld. Counsel for defendant along with
defendant.

Fresh vakalatnama on behalf of defendant filed.

Ld. Counsel for plaintiff has submitted that an
application under Order 39 Rule 1 and 2 CPC is pending
adjudication.

Arguments on the said application heard and record
perused.

By way of instant application, the plaintiff has sought
the relief that the defendants be restrained from selling,
alienating, transferring or creating any third party interest in
respect of the suit property bearing no. 4, entire third floor, part
of Rectangle number 5, Killa No. 33, situated in the abadi of
Gopal Park, Ram Nagar, Krishan Nagar, in the area of Village
Khureji Khas, Illaqa Shahdara, Delhi – 110032, till the final
disposal of the present suit.

The case of the plaintiff is that his mother Ms.

Sushma Rastogi was the absolute owner of the suit property and she has executed a registered gift deed in favour of the plaintiff. Defendant has stated he will not sell or create any third party interest in the suit property during the pendency of the instant suit. It is in the interest of justice that the status quo qua the suit property is maintained so as to avoid multiplicity of litigation. Accordingly, the defendant is hereby restrained from selling, alienating, transferring or creating any third party interest in respect of the suit property bearing no. 4, entire third floor, part of Rectangle number 5, Killa No. 33, situated in the abadi of Gopal Park, Ram Nagar, Krishan Nagar, in the area of Village Khureji Khas, Illaqa Shahdara, Delhi – 110032, till the final disposal of the present suit. The application under Order 39 Rule 1 and 2 CPC is accordingly, disposed off.

Nothing stated hereinabove, shall tantamount to expression of opinion on the merits of case.

WS be filed within stipulated period with advance copy to the opposite side.

Both the parties have shown their willingness to settle the dispute. With consent of both the parties, present matter is referred to Mediation Centre for settlement. Parties are directed to appear before Ld. Mediator on 30.03.2019 at 2

pm. In case of no settlement, the parties shall appear before this court for replication / admission and denial of documents / framing of issues on 30.05.2019.

(Shuchi Laler)
ADJ-04(East District) KKD
Delhi/27.03.2019