

06.05.2024

Present: Sh. Jitendra Kumar, ld. counsel for plaintiff along with plaintiff.
Sh. Pratap Paliwal, ld. counsel for defendant no. 1 to 4 and defendant no. 8 along with defendant no. 1 and 4.
None for other defendants.

It is submitted by ld. counsel for defendant no. 1 to 4 and defendant no. 8 that there is conflict of interest since ld. Counsel for plaintiff who is appearing in present matter also appeared for all the legal heirs of Sh. Munna Khan in the eviction petition which was filed against one tenant Sh. Ram Lal and in these circumstances ld. counsel Sh. Jitender Kumar cannot appear in this matter. This objection has been opposed vehemently by ld. Counsel for plaintiff submitting that in the eviction petition he was the counsel for Sh. Munna Khan who got expired and as such all the legal heirs of Sh. Munna Khan were substituted in that execution petition, qua one shop situated in the suit property, which was filed in the consequence to the eviction petition.

It is submitted by ld. Counsel for plaintiff that he substituted the legal heirs of Sh. Munna Khan in the eviction petition then there is no bar for him to appear in the present matter when there is a *lis interse* between the legal heirs of Sh. Munna Khan.

Heard. This court agrees with the submissions of ld. counsel for the plaintiff and *prima facie* there is no conflict of interest. Accordingly, the objection is declined.

PW-1 is examined and partly cross-examined. Further cross-examination is deferred at the request of Id. Counsel for defendant no. 1 to 4 and defendant no. 8 subject to cost of Rs.1000/- to be paid to plaintiff. Cost paid.

Put up for further cross-examination of PW-1/RPE on 18.07.2024.

(KAPIL KUMAR)
DJ-01/NE/KKD/DELHI
06.05.2024 sb