

**UPDESH KAUR KOHLI AND ANR
Vs.
PARAMJIT SINGH WASAN AND ORS**

30.05.2024

Present: Mr. Sunil Lalwani, Ld. Counsel for plaintiffs.
Mr. Shagun Mehta, Ld. Counsel for defendant no. 1 and 2.
Defendant no. 3 is already ex-parte.

ORDER

1. Fresh Vakalatnama filed on behalf of the plaintiff along with an application for seeking waiver of cost. Same is taken on record.
2. The application for seeking waiver of cost is dismissed as no ground is made out for seeking the relief.
3. Argument heard on the application of plaintiff under Order 39 Rule 1 and 2 CPC.
4. On perusal of record, it is found that the pleadings of the plaint are vague and ambiguous. At para no. 2 of the plaint, plaintiff no. 1 is claiming to be the owner of 1/3rd share in the residential plot admeasuring 85.60 sq. yards. However, he has calculated his 1/3rd share as per the Sale Deed dated 13.05.2010 which admeasures 18.5 sq. yards. The 1/3rd share of 85.60 sq. yards comes out to the 28.5 sq. yards. Therefore, pleadings in the present case are vague and the suit property is not identifiable so as to give any relief under Order 39 Rule 1 and 2 CPC. Accordingly, the present application stands dismissed.
5. Be put up for arguments on the maintainability of the present suit as well as on all the pending applications upon payment of cost on **25.09.2024**.

**Shivali Bansal
DJ-03, Rohini Courts
North District, Delhi
30.05.2024**