

CS DJ 133/20
SHRI BHAGWAN Vs. SURESH AND ORS

08.10.24

Present: Sh. C.S. Dahiya and Sh. Ravinder Khatri, counsels
for plaintiff.
Sh. Ankush Bansal, counsel for defendant no. 1
Defendant nos. 2&3 are already ex parte.
Defendant no. 4 has already been delted from array
of defendant on 02.04.2024.

Arguments on application u/o 39 rule 1 &2 CPC
heard.

However, it is submitted by Ld counsel for
defendant no. 1 that the defendant shall not construct, create or
part with the possession of suit property measuring 85 sq yards
out of khasra no. 653, situated at village Katewra, Delhi as shown
in site plan at points A, B, C & D during pendency of the present
suit.

Separate statement of defendant no. 1 in this regard
recorded.

It is submitted by Ld counsel for the plaintiff that the
application u/o 39 rule 1 & 2 CPC was effectively only against
defendant no. 1.

In view of statement of defendant no. 1 recorded
today, the application u/o 39 rule 1 & 2 CPC stands allowed and
defendant no. 1 is directed to abide by his statement recorded
today.

Replication has already been filed on behalf of the
plaintiff on dated 27.05.2022. Copy also supplied already.

Pleadings are complete. On the basis of the pleadings of the parties, the following issues are framed :

- 1 Whether the plaintiff is entitled to decree of possession, as prayed for ? OPP
- 2 Whether the plaintiff is entitled to decree of declaration ? OPP
- 3 Whether the plaintiff is entitled to the decree of permanent injunction, as prayed for? OPP
- 4 Relief

Put up for plaintiff's evidence with advance copy to Ld counsel for the defendant, for **13.01.2025**.

(Kishor Kumar)
DJ-04, North, Rohini Courts,
Delhi/08.10.24.