

14.02.2025

Present: None.

The plaintiff has filed the present suit for declaration, permanent injunction, mandatory injunction and damages. However, it is seen that defendant no.1 and 2 are ex parte whereas defence of defendant no.3 and 4 has already been struck off and it is only defendant no.5 who has filed the written statement. The plaintiff has claimed various reliefs including one relief for recovery of Rs.44,51,000/-, therefore, even if the plaintiff has sold the suit property, the suit cannot be dismissed only on this ground as the plaintiff should be afforded an opportunity to prove his case for claiming the other reliefs against the defendants, particularly against those who are ex parte or against those whose defence has been struck off. In these circumstances, the court shall proceed with the suit, as per law. However, the plaintiff is at liberty to abandon any relief in view of subsequent development that he has sold the suit property.

Put up the case for PE, on 22.05.2025.

(Kishor Kumar)
DJ-04, North, Rohini Courts,
Delhi/14.02.2025