

CS DJ 459/24

SUKHBIR SINGH RANA VS RAJ KUMAR SHARMA AND ANR.

07.06.24

Fresh case received by way of assignment. It be checked and registered.

Present: Sh R S Rana and Ms Aarti, Id counsel for plaintiff.

Let summons of the present suit alongwith notice of application u/o XXXIX Rule 1 and 2 CPC be issued to the defendants on filing of PF/RC, returnable for 02.07.24.

Id counsel for the plaintiff is praying for grant of exparte interim injunction on the grounds that he has strong apprehension that during the coming summer vacation starting from tomorrow, the defendants may create third party interest/part with the possession of the suit property and in case, the defendants are not restrained from doing so, the purpose of filing the present suit will defeat.

Heard.

The plaintiff has filed the present suit for specific performance on the basis of the agreement to sell dated 06.02.24 and general agreement dated 31.10.2023. It is further averred in the plaint that the plaintiff has made payment of Rs.57 Lakh out of total consideration of Rs.1,80,00,000/-. The plaintiff has further averred that they have come to know that the defendants concealed the factum of suit property being mortgaged with Cholamandalam Bank prior to entering into agreement to sell dated 06.02.24.

Heard. Perused.

In view of the facts and circumstances of the case and in the interest of justice, an *ex parte* ad-interim injunction order is hereby passed in favour of the plaintiff and against the defendants whereby the defendants are restrained from creating any third party interest and/or parting with the possession of the suit properties i.e. Build up entire Third Floor with roof rights, part of free hold property bearing no.60-61, land area measuring 50.50 sq mtrs each, (total 101 sq mtr), in Block and Pocket B-8, Sector 11, situated in layout plan C of Rohini Residential Scheme, Rohini, Delhi 110085, till the NDOH i.e. 02.07.24.

Plaintiff to comply with the provisions of Order XXXIX Rule 3 CPC.

Process be given *dasti*, as prayed.

(Kishor Kumar)
DJ-04, North, Rohini Courts,
Delhi/07.06.24.