

29.04.2026.

Present : Mr. Abhijeet Mathur, Ld. Counsel for the plaintiff.
Mr. R.S. Rana, Ld. Counsel for the defendant.
Mr. Rahul Dabas, Ld. Counsel for applicant.

Accepting that notice of the application u/o 1 Rule 10 (2) CPC has been served, Ld. Counsel for the plaintiff seeks time to reply the same. **Let the same be filed within 4 weeks after supplying advance copy to the opposite counsel against acknowledgment. Similarly, reply to the application u/o 8 Rule 1 CPC filed by the defendant be also filed.**

Now, put up for arguments on both the applications for
01.06.2026.

At this stage, Ld. Counsel for the applicant submits that stay regarding construction on the suit property is affecting materially to the applicant who is in the possession of the suit property being the owner and stay is directed to be vacated. Attention is drawn towards the documents.

Heard. Perused.

Present suit is for partition and permanent injunction and as per the case of the plaintiff, suit property was in the name of their father who expired on 15.06.2024 after prolonged illness and the property qua which order is passed by this Court, is one of the property that is left behind by him whereas applicant has stated himself to be owner and in the possession of the suit property by virtue of various documents but not by virtue of registered sale deed. Chain of documents is also not suggesting that any sale deed was ever executed. So far as the possession is concerned, bill of electricity meter is attached which also shows energisation date as 28.11.2025 i.e. the day soon before filing of the present suit. Therefore, gaining that no settle possession of the applicant is shown on record and also that order was passed in case which had been pending between the plaintiff and defendant, **operation of the order is not vacated.**

(Aanchal)
District Judge-03, Rohini Courts
North District, Delhi
29.04.2026 (Amt)