

HARMEET SINGH Vs. HARVINDER KAUR AND OTHERS

19.11.2024

Present: Ms. Seema Gupta, Ld. Counsel for the plaintiff.
Sh. Vipin Yadav, Ld. Counsel for the defendant no.1.
Defendant no.2 already ex-parte.

Ld. Proxy Counsel for defendant submits that as per the instructions of the main counsel, he is not disputing the maintainability of the present suit.

In view of the same, this Court is proceeding further for recording PE.

Plaintiff has filed the affidavit with respect to the relevancy of the remaining two witnesses to be examined as further PE.

It is stated by Ld. Counsel for plaintiff that plaintiff only wants to examine the record witness w.r.t. the criminal case initiated by the plaintiff qua his illegal dispossession against the defendant no.1 and her associates and further to summon the record from DRT, to show the prior possession of the plaintiff in the suit property.

Ld. Counsel for plaintiff fairly concedes that the proceedings in the criminal case were lodged by the plaintiff against the defendant no.1 and her associates only after his dispossession from the suit property.

It is made clear that the proceedings in the present suit are independent with the other criminal proceedings initiated by the plaintiff against the defendant no.1 and her associates and

the plaintiff has to prove his case independently on facts qua his prior possession in the suit property in the present suit.

In view of the above, the request of the plaintiff to summon the record from the criminal cases pending between the parties i.e. plaintiff and defendant no.1 is disallowed on the ground that the record sought to be summoned w.r.t. the criminal cases between the parties as stated above is not relevant for the purpose of disposal of the present suit.

Considering the fact that the present matter is an old matter pertaining to the year 2011, last and final opportunity is given to the plaintiff to take steps for summoning relevant record from DRT, Delhi, as stated in the affidavit and list of witnesses.

Steps be taken within 07 days from today.

Put up for further PE on 11.12.2024.

(Ankur Jain-II)
DJ-02, SHD District
KKD/Delhi 19.11.2024