

SULABH ARORA Vs. GARNISH ARORA**21.12.2022**

Present: Sh. Rameshwar Pratap Singh, Ld. Counsel for plaintiff.

Reports of process server on the summons issued to the defendants are perused. As per report, process server visited the address thrice i.e. 06.10.2022, 12.10.2022 and 19.10.2022 and on 19.10.2022, finding that premises is locked, he pasted copy of summons and copy of plaint at the address. The defendants are deemed served on 19.10.2022.

At this stage, one lady appears in the court stating her name as Pooja Luthra and stated that her husband Garnish Arora is unable to attend the Court due to illness and she seeks time to engage a counsel and to file written statement. Prescribed period of 30 days for filing the written statement is passed, however considering that today is first date of appearance, a liberal approach is taken so that case may be decided on merits. WS if any, may be filed by defendants till 15.01.2023 and its copy be supplied to plaintiff in advance so that replication if any may be filed.

At this stage, Ld. Counsel for plaintiff prayed for passing the order on the application under Order 39 rule 1 and 2 CPC.

Submissions heard.

By way of present application, plaintiff is seeking

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directions thereby restraining defendants from forcibly entering into the shop of plaintiff, creating any ugly scene, making any hue and cry in and near the shop bearing no. 4A, Ground Floor in GD ITL Twin Tower, Plot No. B-9, Netaji Subhash Place, Pitampura, Delhi-110034 or from causing any interference in the peaceful possession of the plaintiff.

The relief claimed in the interim application is the same which is prayed as main relief and grant of interim relief amounts to decree of the suit without any trial. Further, if defendants enter in the shop of the plaintiff forcibly, then plaintiff can take appropriate remedy by way of lodging the complaint. As such, application is dismissed.

Put up on **26.04.2023** for completion of pleadings and settlement of issues. In case, written statement is not filed by defendants within time granted, then plaintiff to lead evidence on next date.

(SUNIL CHAUDHARY)
ADJ-04/North-West
RHC/Delhi 21.12.2022