

09.10.2024

Present : Sh. Arush Sharma and Sh. K.K. Singh, Ld. Counsel for the plaintiff.
Sh. Sanjay Dalal, Ld. Counsel for all the defendants with defendant no. 1.

WS, reply to application u/o 39 rule 1 and 2 CPC, documents and vakalatnama already filed by the defendants on 05.06.2024. Copy already supplied.

The plaintiff has filed the replication today. Copy supplied under receipt.

At this stage, arguments heard on application u/o 39 rule 1 and 2 CPC.

Put up for consideration at 02.00 pm.

Put up for admission/ denial and framing of issues on
29.01.2025.

Both the parties are directed to file their affidavits in admission/ denial of documents.

(RUCHIKA SINGLA)
DJ-03 (N/W)
Rohini Courts :Delhi/09.10.2024

At 02.30 pm

Present: None.

1. In the morning session, arguments were advanced on application u/o 39 rule 1 and 2 CPC.

2. Ld. Counsel for the plaintiff has argued that the suit properties are ancestral in nature. The present plaintiffs are the daughters of the defendant no. 1. Hence, it is submitted that as the properties are ancestral, they are entitled to a share in the suit properties. Hence, it is submitted that it may be directed that the defendants should not create a third party interest in the suit properties till the disposal of the suit.

3. The application is opposed on behalf of the Ld. Counsel for the defendants. It is submitted that the plaintiffs have not filed any document in support of their contention. Further, one property i.e. one shop is the self acquired property of the defendant. Further, it is argued that the present suit is not maintainable as the plaintiffs have no locus to file the present suit during the lifetime of their father i.e. the defendant no. 1.

-: 3 :-

4. In the opinion of the court, the plaintiffs must show as to how the present suit is maintainable during the lifetime of their father i.e. the defendant no. 1.

5. Hence, put up for arguments on the maintainability of the suit for date already fixed i.e. 29.01.2024. However, till the NDOH, let no third party interest be created in the suit property.

(RUCHIKA SINGLA)

DJ-03 (N/W)

Rohini Courts :Delhi/09.10.2024