

32
CS DJ
840/22
MEENA JAIN
Vs.
DEPUTY DIRECTOR LAND SALES
BRANCH(ROHINI)

23.12.2022

Present : Sh. Archit Singhal, Ld. Counsel for the plaintiff

Summons have not been issued.

The court is functioning without an Ahlmad since 16.11.2022 and the Asst. Ahlmad is also on leave since 13.12.2022.

Previous order be complied with afresh on PF already filed for the NDOH.

Ld. Counsel for the plaintiff has filed two applications. The first application has been filed under Order 1 Rule 10 CPC for impleading Sh. Bhupinder Singh and Sh. Rajesh Narang as parties in the present suit.

Heard.

The suit is at its initial stages. Even the summons have not been issued. In view of the submissions, application is allowed and Sh. Bhupinder Singh and Sh. Rajesh Narang are impleaded as defendants in the present suit.

Amended memo of parties filed. Same be tagged at the beginning of the file.

Ld. Counsel has moved a fresh application under Order 39 Rule 1 & 2 CPC. He has pressed for an ad interim stay.

Heard.

Contd/-

Put up for consideration at 2 pm.

(RUCHIKA SINGLA)
ADJ-03 (N/W)
Rohini Courts :Delhi/23.12.2022

At 2 pm

Present: None.

Record perused.

The plaintiff has alleged that she is the owner of the suit property on the basis of a registered Sale Deed dated 02.09.2021. Further, she has alleged that there is an apprehension that the defendants no. 4 & 5 may create any third party interest in the suit party.

On 19.09.2022, the court had refused to grant an interim stay on the plaintiff's first application under Order 39 Rule 1 & 2 CPC, as the defendants no. 4 & 5 were not made parties in the present suit. Further, the plaintiff had not clarified against whom the injunction was sought. It is stated today that there is an apprehension that the defendants no. 4 & 5 shall create a third party interest in the suit property as one Conveyance Deed has been executed in the favour of the defendant no. 4 by the DDA on 27.04.2022, but the plaintiff has already purchased the property on 02.09.2021 vide a registered Sale Deed.

In view of the facts and circumstances, prima facie, balance of convenience lies in the favour of the plaintiff. To preserve the suit property and avoid multiplicity of proceedings,

Contd/-

the defendants no. 4 & 5 are restrained from creating any third party interest in the suit property i.e. property no. 63, Pocket 17, Sector 24, Rohini, Delhi till the NDOH.

Provisions of Order 39 Rule 3 CPC be complied with.

Summons be issued to the defendants no. 4 & 5 on filing of PF for **12.04.2023**.

Order be given dast.

(RUCHIKA SINGLA)
ADJ-03 (N/W)
Rohini Courts :Delhi/23.12.2022