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CS DJ 5/24
MUKESH @ MUKESH KUMAR
Vs.
MUNDRIKA KUMARI

26.03.2024

Present : Sh. Vikas Chhabra, ld counsel for plaintiff.
Sh. Dheeraj Jain, ld counsel for proposed defendant
Yogesh with Yogesh.
Sh. Mukesh Sharma and Sh. Rajesh Kumar
Aggarwal, ld counsels for defendant no. 1 to 3 and
for proposed defendant Kusum.
Sh. Bhishm Singh, ld counsel for defendant no. 4.
SI Pushpender in person on behalf of SHO
Begumpur.

Written statement filed on behalf of defendant no. 5.
In the affidavit filed with the written statement name of the SHO
is not disclosed. SI Pushpender appearing on behalf of SHO
stated that Inspector Rajiv Ranjan is posted as SHO Begum Pur.

Replication to the written statement of defendant no.
1 to 3 alongwith application under Order 7 Rule 14 CPC is filed
on behalf of plaintiff. Copy of the same supplied to the counsel
for the opposite parties. Considering the submissions where the
issues have not been settled so far, the documents being filed by
the plaintiff are taken on record and the application under Order 7
Rule 14 is disposed off accordingly.

Vakalatnamas filed on behalf of proposed defendant
Kusum and Yogesh. Time sought by the proposed defendant to

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file the reply to the applications and it is stated that the complete set of plaint alongwith documents has not been supplied to him. The same is supplied to the counsel for the proposed defendant Yogesh through Whatsapp. The counsel for the plaintiff prayed for disposal of the application under Order 39 Rule 1 & 2 CPC thereby restraining the defendants not to raise any construction at the suit property.

During the submissions on the same, it is apprised to the court that as on date only the boundary walls are raised and no construction is raised in the suit property bearing no. E-13 or 13 A in Khasra No. 103/50 Rajiv Nagar, Delhi. The proposed defendant Yogesh Kumar is asked about the documents executed by him qua entire plot measuring 200 sq yards out of Khasra No. 103/50 situated at village and post office Karala abadi known as Rajiv Nagar and he stated that the property was purchased by his father in the year 1986 in his name and he has sold the same in December 2022 to Kusum. He stated that he has not executed any document qua the title and ownership right in the said plot in the name of Mukesh Kumar s/o Sh. Bhawar Singh.

Considering the facts and circumstances of the case the detailed reply to the application of the plaintiff under Order 1 Rule 10 CPC and under Order 6 Rule 17 CPC be filed by the proposed defendant Yogesh Kumar and Kusum. Meanwhile defendant no. 5 SHO Begumpur is directed to make inquiries qua the ownership of the properties which are built up in the East and West directions of the disputed plot so that the rival contentions of the parties qua the ownership may be considered by the court for disposal of the suit as well as the injunction application

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appropriately.

Meanwhile no construction be raised at the disputed plot without the permission from the authorities concerned.

As prayed put up on **21.05.2024** for reply and arguments on the application under Order 1 Rule 10 CPC and further submissions on the application under Order 39 Rule 1 & 2 CPC.

(SUNIL CHAUDHARY)
ADJ-04, North West,
Rohini Courts, Delhi
26.03.2024