

5CS-128/24

SATINDER SINGH DHIR VS. ARVIND KUMAR

20.01.2025

Present : Ms. Divita Dutta, Ld. Counsel for plaintiff.
None for defendant no.1.
Sh. Prakash Chander, Ld. Counsel for defendants
no.2 & 3.

1. It is submitted by Ld. Counsel for plaintiff that the suit property has been sold by defendant no.1 to defendants no.2 & 3 during the pendency of the suit vide Sale Deed dated 30.04.2024. She further submits that the said Sale Deed was executed after appearance of the parties in the present case.

2. Ld. Counsel for defendants no.2 & 3 submits that they acquired rights in the suit property vide Agreement to Sell dated 17.04.2015 and the Sale Deed was executed in consequence of the said Agreement to Sell. **He further submits that defendants no.2 & 3 would not create any third party right in the suit property till NDOH.**

3. Application under Order VIII Rule 1A CPC has been filed by defendants no.2 & 3 for placing on record the Sale Deed dated 30.04.2024.

4. Reply has been filed by plaintiff. Copy supplied.

5. After some arguments, Ld. Counsel for plaintiff submits that the said Sale Deed be taken on record. She further submits that plaintiff would file application under Order VI Rule 17 CPC for amendment of plaint in the light of the said Sale Deed.

6. Submissions heard. Application perused.

7. In view of submissions made and no objection on behalf of plaintiff, the application under Order VIII Rule 1A CPC is allowed and the Sale Deed dated 30.04.2024 is taken on record.
8. Application by plaintiff, if any be filed within two weeks with advance copy to the defendants who may file their reply within one week prior to NDOH.
9. Application under Section 35 of Stamp Act filed on behalf of defendant no.1 is pending.
10. Reply to the aforesaid application filed by plaintiff. Copy supplied to Ld. Counsel for defendants no.2 & 3. Extra copy of the same also placed on record for Ld. Counsel for defendant to collect against due receipt.
11. List for arguments on the application under Section 35 of Stamp Act **for 04.03.2025.**

(Rahul Bhatia)
DJ-01 (South East) Saket Court
New Delhi/20.01.2025 (vg)