

19.09.2023

File received by way of transfer to this Court vide office order No.7080-94/Judl./Shd./KKD/2023 dated 01.09.2023 passed by the Ld. Principal District & Sessions Judge, Shahdara District, Karkardooma Courts, Delhi.

It be checked and registered.

Present: Sh. R.L. Sharma, Ld. Counsel for plaintiff
Sh. Subhash Kaushik, D-1 in person
Sh. Anuj Tomar, Ld. Counsel for D-2
Sh. Yoginder Singh Rohilla, Ld. Counsel for defendant-3

It is submitted by the Ld. Counsel for the plaintiff that plaintiff has settled the present matter with D-1 and D-2 and plaintiff further does not wish to continue the present case qua D-1 and D-2.

Separate statements of plaintiff and D-1 and D-2 is recorded in this regard.

As the plaintiff does not want to continue the present suit qua D-1 and D-2, the reliefs no.(a), (b) and (f) claimed in prayer clause of the plaint is satisfied. The Ld. Counsel for the plaintiff submits that the relief on the permanent injunction qua D-1 and D-2 is also satisfied

In view of the submissions, present suit is dismissed as withdrawn/settled qua D-1 and D-2.

It is submitted by the Ld. Counsel for the plaintiff that earlier plaintiff has moved an application under Order VI Rule 17 CPC for amendment of his plaint.

Perusal of the record shows that the said application was put in abeyance vide order dated 18.11.2022. It is submitted by the Ld. Counsel for the plaintiff that he wish to withdraw the said application.

In view of the submissions made by the Ld. Counsel for plaintiff application under Order VI Rule 17 CPC is hereby dismissed as withdrawn.

Application is accordingly disposed off.

At this stage, Ld. Counsel for D-3 submits that he has already moved an application under Section 340 Cr.P.C. against the plaintiff. Copy of the same is provided to the plaintiff today itself.

The Ahlmad is directed to register the present application under Section 340 Cr.P.C. as separate miscellaneous case.

Written statement of D-3 is already on record. Ld. Counsel for the plaintiff submits that he has not received the copy of the same. Copy of the written statement of D-3 is supplied to the plaintiff today in the Court.

Ld. Counsel for the plaintiff seeks fifteen days time for filing replication to the WS of D-3 and also reply to the application under Section 340 Cr.P.C.

The plaintiff is directed to file replication to the WS of D-3 and reply to the application under Section 340 Cr.P.C. within fifteen days from today with an advance copy to the D-3.

The parties are directed to file their respective affidavits in respect to admission and denial with advance copy to the opposite side.

Put up for completion of pleadings, admission and denial and framing of issues on 29.11.2023.

(Deepanker Mohan)
Additional District Judge-04
Shahdara District/KKD Courts/Delhi
19.09.2023