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CS DJ 1080/19
SUBHASH CHANDER
Vs. BRIJ MOHAN MISHRA

08.09.2021

Matter taken up physically.

Present: Sh. S.N. Gupta, Counsel for Plaintiff (appeared virtually)
Sh. R.K. Pandey Counsel for defendant no.3 (appeared physically)
Sh. M. M. Ansari, Counsel for defendants 1 and 2 (appeared physically)

Matter stands listed for arguments on application under Order XXXIX R 1 and 2 CPC.

It is submitted by Counsel for defendant no. 1 and 2 that defendant no.1 and 2 has no intention of creating any third party interest in the suit property and also has no intention to part with the possession of the said suit property in any manner. However, as the property is very old, certain minor repairs may be required to be done for which he will move an appropriate application. He has also submitted that interim Order dated 16.12.2019 may be made absolute as far as the aspect of creating third party interest and parting with possession is concerned. However the remaining aspect of construction of the property may be kept pending for arguments. The submission of counsel is taken on record. Affidavit of admission and denial of documents filed on behalf of plaintiff, defendant no.1, defendant no.2 and defendant no.4.

At this stage, counsel for defendant no.3 submitted that his application under Order VII R 11 CPC is pending adjudication. Let reply of the same be filed by counsel for the plaintiff.

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Put up for arguments on this application as well as for disposal of application under Order XXXIX R 1 and 2 CPC on 11.01.2022 in terms of submissions made by counsel for defendant no.1 and 2 also as he wants to move an appropriate application for seeking necessary repairs in the suit property considering its dilapidated condition.

(Shelly Arora)
ADJ-1 (South East) Saket Court
New Delhi/08.09.2021(sm)