

22.05.2025

At 12:17pm

Present: Sh. Surender Partap, Sh. A.K. Dubey, and Ms. Preeti,
Ld. Counsels for LR of plaintiff (Plaintiff stated to be
expired on 26.10.2018).
None for LRs of defendant.

Ld. Counsel for LRs of plaintiff, on instructions submits that no other LRs of plaintiff's witness is required to be examined in the present matter and therefore, LRs of plaintiff be allowed to close PE.

Ld. counsel for LRs of plaintiff submits that plaintiff has already examined the attesting witness of the agreement to prove the execution and transaction held between plaintiff and defendant. He further submits that under Section 72 of BSA Act, 2023 (U/s 73 of IEA), this Court is empowered to examine and compare the signatures of defendant on the agreement and other documents from his signatures on the WS and Vakalatnama. He further submits that he wants to withdraw the application under Section 151 CPC filed on 16.12.2022 for expert opinion.

In view of the submissions, present application is hereby **dismissed as withdrawn.**

Application under Section 151 CPC is accordingly disposed of.

Separate statement of Ld. counsel for LRs of plaintiff recorded.

In view of the submissions, **PE is hereby closed.**

(2)

At this stage, Ld counsel for LR of plaintiff submits that as per the knowledge of LR of plaintiff, the suit property has not been sold and is still lying vacant.

Perusal of the record shows that the application under Order XXXIX Rule 1 and 2 CPC filed by plaintiff along with the plaint was already allowed vide order dated 18.02.2015. On 16.11.2022, LR of plaintiff has again filed an application under Order XXXIX Rule 1 and 2 CPC claiming that LR of defendant be restrained from constructing the suit property and further to let out the same to any other person.

Ld. Counsel for LR of plaintiff, on instructions submits that as interim injunction has already been granted in favour of plaintiff in the present matter, therefore, LR of plaintiff do not want to press the application filed on 16.11.2022 at this stage. He further submits that LR of plaintiff want to withdraw the aforesaid application.

In view of the submissions, application under Order XXXIX Rule 1 and 2 CPC is hereby **dismissed as withdrawn.**

Application under Order XXXIX Rule 1 and 2 CPC is accordingly disposed of.

LRs of defendant are directed to file evidence affidavit of all their witnesses within 30 days from today with an advance copy to plaintiff.

Put up for DE on 12.08.2025.

Date is given as per the convenience of Ld. counsels.

(Deepanker Mohan)
District Judge-04
Shahdara District/KKD Courts/Delhi
22.05.2025