

29.01.2024
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Present: Sh. Rajneesh Kapoor, Ld. Counsel for the plaintiff
along with plaintiff in person
Ch. Rabindra Singh and Ms. Jyoti, Ld. Counsels for
the defendants No.1 and 2 along with D-1 and D-2
in person

Matter is listed for arguments on the application under Order XXXIX Rule 1 and 2 r/w Section 151 CPC, admission and denial of documents and framing of issues.

During the course of arguments on the application under Order XXXIX Rule 1 and 2 r/w Section 151 CPC, Ld. Counsel for the defendants on instructions submits that the defendants No1 and 2 have no intention to sell, dispose off or create any third party right or interest in the suit property during the pendency of the present suit.

Separate statement of D-1 and D-2 recorded in this regard.

Ld. Counsel for the plaintiff submits that he as well as plaintiff are satisfied by the statement of D-1 and D-2 and requests this Court to dispose off the present application.

In view of the submissions, contentions made in the application, statement given by the D-1 and D-2 and considering the fact if the present application is not allowed then it will cause multiplicity of litigation, therefore, the defendants are restrained

from selling the suit property bearing No.H.No.1171, Gali No.16, Mandoli Extension, Delhi-110093, during the pendency of the present suit.

Application under Order XXXIX Rule 1 and 2 r/w Section 151 CPC is accordingly disposed off.

Affidavits of admission and denial of documents on behalf of D-1 and D-2 filed on 05.01.2024.

The Ld. Counsel for the defendants filed copy of seizure memo of the documents prepared by the Inspector Vineet Kumar during the investigation of FIR No.118/2020 registered at PS Harsh Vihar, Delhi. It is submitted that the originals documents pertaining to the suit property dated 17.01.2012 executed by Babu Lal in favour of the defendant No.2 has been seized by the IO/police. Copy supplied. Same be taken on record.

Plaintiff in his affidavit of admission and denial of documents has admitted the following documents which are as under:

1. GPA dated 19.12.1986 as **Ex.P-1**;
2. Agreement to sell dated 19.12.1986 as **Ex.P-2**;
3. Receipt dated 19.12.1986 as **Ex.P-3**;
4. Death Certificates of Sh. Babu Lal as **Ex.P-4**.

Defendants No.1 and 2 have admitted the following documents :

1. Death certificate of Sh. Babu Lal issued by MCD as **Ex.P-5**;

2. Copy of order dated 22.01.2019 passed by the Court of Ld. SCJ-cum-RC, Shahdara, KKD, Delhi as **Ex.P-6**;

Admission and denial of documents concluded.

Pleadings of the parties are completed. From the pleadings of the parties, following issues are framed :

1. Whether the plaintiff is entitled for decree of declaration against the defendants, as prayed? OPP
2. Whether the plaintiff is entitled for decree of possession in respect to the suit property against the defendants, as prayed? OPP
3. Whether the plaintiff is entitled for decree of permanent injunction against the defendants, as prayed? OPP
4. Whether the present suit is maintainable in the present form, as claimed? OPDs
5. Whether the present suit is barred by limitation, as claimed? OPDs
6. Relief.

No other issue arises or is pressed by the parties, at this stage. The parties are directed to file list of witnesses within 15 days from today.

The plaintiff is directed to file evidence by way of affidavit of the plaintiff's witnesses within 30 days, with an advance copy to the opposite side, at least seven days prior to the next date of hearing.

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Put up for P.E. on 22.03.2024.

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

(Deepanker Mohan)
Additional District Judge-04
Shahdara District/KKD Courts/Delhi
29.01.2024