

CNR NO. DLNT01-001925-2020

CS DJ NO. 119/2020

RANDHIR KUMAR SALHAN VS. SUSHMA KHATRI AND ORS.

27.04.2022.

Present: Sh. Vikas Aggarwal-I.d. Counsel for the plaintiff.

Sh. Fanish Jain-I.d. Counsel for the defendant no. 2 and 3.

None for the defendant no. 1.

Vide order dated 25.04.2022, this Court has noticed that an application U/o 22 Rule 03 CPC was filed beyond the period of 90 days and further original attorney in favour of Sh. Suresh Salhan and Jyoti Arora was not filed on record.

Today, I.d. counsel for the plaintiff alongwith Pinki Salhan and Suresh Salhan have appeared before this Court and they have shown original Power of Attorney which Pinki Salhan has executed in favour of the Suresh Sahlan and Jyoti Arora. Photocopy of the said attorney has already been on record.

Hence, without going into the merit of claim regarding inheritance of the property in question, application U/o 22 Rule 03 CPC is allowed and Pinki Sahlan is brought on record as LR of the deceased plaintiff.

During the course of evidence, obviously, LR Pinki Salhan has to prove her exclusive right in the property in question qua other legal heirs of the plaintiff. So far as the defendants are concerned, it is right of the deceased plaintiff whose right would be adjudicated in the present case qua defendant.

If amended memo of parties is not filed, same be filed.

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Perusal of record shows that defendant no. 1 has not been served till date as there is no report of process server. In these circumstances, fresh summons be issued to defendant no. 1 on filing of PF/RC.

Dasti summons also be given as prayed for.

At this stage, plaintiff has also furnished additional address of the defendant no. 1.

Let summons to the defendant no. 1 be also issued to this additional address.

Ld. counsel for the defendant no. 2 and 3 submits that order dated 26.02.2020 be modified as vide said order, ld. predecessor of this Court has directed parties to maintain status quo whereas plaintiff was praying only for not creating third party interest in the suit property. He further submits that defendant no. 2 and 3 through him are ready to give statement to the effect that they would not create third party interest in the suit property without the previous permission of the court.

Separate statement of ld. counsel for the defendant no. 2 and 3 recorded to this effect.

In view of the statement of ld. counsel for the defendant no. 2 and 3, defendant no. 2 and 3 are bound down to their statement and they are restrained from creating third party interest qua the title and possession of the suit property without previous permission of the Court.

With the undertaking of the defendant no. 2 and 3, application U/o 39 Rule 1 and 2 CPC qua defendant no. 2 and

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3 stands disposed off.

Now put up for service of defendant no. 1 and for further proceedings on 23.07.2022.

(Harish Kumar)
ADJ-02/ North/ Rohini Court
Delhi/27.04.2022