

21 CS 301/22

ZAHIDA KHAN AND ORS - SENIOR CITIZEN Vs. VIKAR ALI
AND ORS

CNR No. DLSH01-003524-2022

and

6 CS 33/23 (counter claim)

VIKAR ALI AND ANR Vs. ZAHIDA KHAN AND ORS

CNR No. DLSH01-000298-2023

17.08.2024

Presence in CS No.301/22

Sh. S. H. Khan, Ld. Counsel for Plaintiffs.

Sh. Aman Bhardwaj and Sh. S. K. Pandey, Ld. Counsel for
Defendants no. 1 to 7.

Presence in CS No.33/23

Sh. Aman Bhardwaj and Sh. S. K. Pandey, Ld. Counsel for counter
claimants.

Sh. S. H. Khan, Ld. Counsel for Respondents.

Ld. Counsel for Plaintiffs (in CS No. 301/22) presses upon his application under Order 39 Rule 1 & 2 CPC and submits that the suit property was purchased by late Sh. Noor Mohd., who was the husband of Plaintiff no.1 & father of Plaintiffs no. 2 & 3 and proforma defendant no. 8. Ld. counsel further submits that other Defendants are relatives to Sh. Noor Mohd. being the brothers and their children.

Ld. Counsel for Defendants (in CS No. 301/22) during the course of arguments submits that Defendants no. 1 to 7 are in possession of the suit property and his clients have no objection if the

present application is allowed and all the parties are restrained from creating third party interest. Ld. counsel further submits that in the counter claim (i.e. CS No. 33/23), his clients have moved the application under same provision and submits that said application may also be disposed off in above terms.

Arguments heard on application under Order 39 Rule 1 & 2 CPC in both matters. Record of both files are perused.

Considering the facts and circumstances of both matters, it would be appropriate if all the parties be restrained from creating third party interest over the property i.e. **9-A, Khasra No. 99 at Village Sikdarpur in the abadi of Balbir Nagar Extn., Loni Road, Shadhara, Delhi, presently known as A-54/A, Gali No. 8, Jyoti Colony, Shahdara, Delhi** till the pendency of both matters.

Ordered accordingly.

The aforesaid applications stand disposed off in both matters.

Ld. Counsel for both parties submit that pleadings in both matters have been completed.

Ld. Counsel Sh. Aman Bhardwaj seeks some time to inspect the files and to make submissions.

Put up for filing of affidavit regarding admission-denial of documents and for framing of issues on **22.11.2024**.

(MOHAMMAD EHTESHAM)
District Judge-03 (Shahdara),
KKD Courts, Delhi. 17.08.2024.