

CS no. 500/2017
Irfan V/s. Aftab and ors.

17/07/2018

Pr.:- Plaintiff with LAC Ms. Mamtesh.
Sh. Ashok Kumar, counsel for D-1 to D-10 with D-1 & D-2.
Ms. Priyanka, counsel for D-11 to 19 (except D-13 & 18).
Mohd. Ikram, counsel for D-13.
None for D-18.

It is submitted on behalf of plaintiff that Ld. counsel could not file application in time and could not appear on 19/02/2018 as she was suffering from cancer. Medical documents filed.

In the interest of justice, cost of Rs.1,000/- stands waived.

Vakalatnama on behalf of D-11,12,14,15,16,17 & 19 filed.

An application under Order XXXIX Rule 1 & 2 CPC is pending adjudication.

Arguments heard on aforesaid application.

Order on IA under Order XXXIX Rule 1 & 2 CPC

Ld. Counsel for defendants submits under instructions that without admitting veracity of the plaintiff's claim, the defendants shall not create third party interest in the suit property during pendency of the present suit.

Even otherwise, interim order is necessary for preservation of the suit property.

In view of the submissions of the defendants, plaintiff as well as defendants are restrained from creating third party interest in the suit properties bearing no. B-17-A, New B-50, Gali no. 3, Khasra no. 239, Bajrang Bali Mohalla, Maujpur, Delhi-53 and F-209/2010, Gali no. 6, Subhash Mohalla, Maujpur, Delhi-53

admeasuring 25 sq. yds. & F-209/2010, Gali no. 6, Subhash Mohalla, Maujpur, Delhi-53 admeasuring 93 sq. yds. during pendency of the present suit. Application under Order XXXIX Rule 1 & 2 CPC is accordingly disposed off.

Replication has already been filed.

Admission-denial not conducted despite opportunity.

There are no chances of settlement in this case.

Pleadings are complete. Heard on the issues. Case file perused.

On the basis of pleadings of the parties, following issues are framed:-

ISSUES

- 1. Whether suit of the plaintiff is bad for non-joinder of the necessary parties? OPD-1 to 10***
- 2. Whether plaintiff has no right, title and interest in the suit property bearing no. F-210, Gali no. 6, Subhash Mohalla, Maujpur, Delhi admeasuring 93 sq. yds., if so, its effect? OPD-1 to 10***
- 3. Whether plaintiff is entitled to preliminary decree of partition in respect of properties F-209/2010, Gali no. 6, Subhash Mohalla, Maujpur, Delhi-53 admeasuring 25 sq. yds. & F-209/2010, Gali no. 6, Subhash Mohalla, Maujpur, Delhi-53 admeasuring 93 sq. yds.? OPP***
- 4. Whether plaintiff is entitled to decree for possession as claimed? OPP***
- 5. Whether plaintiff is entitle for permanent injunction as claimed? (OPP)***
- 6. Relief.***

No other issue arises nor pressed for.

List of witnesses be filed by both the parties within 15 days with advance copy to the opposite party.

Put up for PE on 22/09/2018.

Advance copy of the evidence affidavit be supplied to the opposite party.

(SHARAD GUPTA)
Addl. District Judge-01(Shahdara),
Karkardooma, Delhi. 17/07/2018.