

21 CS 2138/16

NEAL JAY WADHWA AND ORS. Vs. MOHINDER WADHWA
AND ORS.

08.01.2025

At 12:32pm

Present: Ms. Pushp Gupta, Ld. Counsel for plaintiffs along with Attorney Holder of plaintiffs namely Sh. Surender Dhamija in person.
Sh. Arjun Asthana, Ld. Counsel for D-1 to D-4 through VC (D-1 and D-2 already ex-parte vide order dated 04.08.2021 & D-3 and D-4 were already ex-parte vide order dated 07.07.2023).
D-3 is appearing through VC.

An application under Order XXII Rule 2 and 4 r/w Section 151 CPC for bringing the LRs of D-1 on record along with proposed amended memo of parties filed on behalf of plaintiffs. Copy already supplied to Ld. counsel for defendants through e-mail.

Ld. counsel for defendants, on instructions submits that D-2 to D-4 have no objection, if the present application be allowed.

Heard. Application perused.

It is submitted by Ld. counsel for plaintiffs that LRs of D-1 are already on record and the present application is in formal in nature. She further submits that present application has been filed within limitation.

In view of the submissions, contentions made in the application, no objection given by Ld. counsel for defendants and also considering the fact that LRs of D-1 are already on record, therefore, the present application under Order XXII Rule 2 and 4 r/w Section 151 CPC is hereby **allowed**.

(2)

Application under Order XXII Rule 2 and 4 r/w Section 151 CPC is accordingly disposed of.

Amended memo of parties is taken on record.

It is submitted by Ld. counsel for defendants that D-2 to D-4 are enjoying and occupying the entire suit property. It is further submitted that D-2 to D-4 have no objection, if plaintiffs want to reside and enjoy the first floor of the suit property for their own personal use. He further on instructions submits that D-2 to D-4 have denied to hand over the possession and keys of the first floor of the suit property to Attorney Holder of plaintiffs namely Sh. Surender Dhamija.

Ld. counsel for plaintiffs, on instructions submits that plaintiffs are ready and undertake not to create any third party right and interest in the suit property, if they are allowed to be in possession of the first floor of the suit property. She further submits that defendants cannot direct the plaintiffs to enjoy the suit property as per their wish and the manner desired by defendants.

Arguments heard on the application under Order IX Rule 13 r/w Section 151 CPC.

Put up for orders on the application under Order IX Rule 13 r/w Section 151 CPC on **07.02.2025**.

(Deepanker Mohan)
District Judge-04
Shahdara District/KKD Courts/Delhi
08.01.2025