

08.08.2025

At 10:27am

Present: Ms. Nidhi Gupta, Ld. Counsel for plaintiff along
with plaintiff.

Sh. Brij Pal Singh, Ld. counsel for defendants.

WS, documents and Vakalatnama filed on behalf of both the defendants. Copy already supplied through Whatsapp. Hard copy supplied today.

Plaintiff is at liberty to file replication, if any, within 21 days from today with an advance copy to defendants.

Parties are directed to file their respective affidavit of admission and denial of documents within 30 days from today with an advance copy to opposite side.

Parties are directed to produce original documents on NDOH. Parties are also directed to file proposed issues, if any.

Parties are also directed to appear in person on NDOH for the purpose of admission and denial of documents and recording of their statements under Order X CPC, if required.

At this stage, Ld. Counsel for plaintiff presses the application under Order XXXIX Rule 1 and 2 CPC. She submits that defendants are intending to create third party right and interest on the 4th floor (top floor) of the property bearing No.S-32, Krishna Nagar, Delhi-51 and if defendants succeed in their illegal design then the plaintiff shall suffer an irreparable loss and

(2)

injury which cannot be compensated in terms of money and further indulge the plaintiff into multiplicity of litigation.

It is submitted by Ld. Counsel for defendants, on instructions that defendants have no intention to create any third party right/interest on the 4th floor (top floor) of the property bearing No.S-32, Krishna Nagar, Delhi-51, during the pendency of the present suit.

Separate statements of Ld. Counsel for defendants recorded in this regard. Defendants are bound by their statement of their counsel.

In view of the submissions, contentions made in the application, considering the statement given by Ld. counsel for defendants, **defendants are restrained from creating any third party right or interest on the 4th floor (top floor) of the property bearing No.S-32, Krishna Nagar, Delhi-51, during the pendency of the present suit.**

Application under Order XXXIX Rule 1 and 2 CPC is accordingly disposed of.

Put up for completion of pleadings, admission and denial of documents and framing of issues on **30.10.2025**.

(Deepanker Mohan)
District Judge-04
Shahdara District/KKD Courts/Delhi
08.08.2025