

CS 605/23

**MANJU PAHWA AND ANR Vs.
JAGMOHAN KAPOOR AND ORS**

06.10.2023

Present: Sh. Hemant Sharma, Id. Counsel for plaintiffs with plaintiffs.
Sh. Kapil Kumar (in court) and Sh. Raja Jain (through VC), Id. Counsels for defendants with defendants.

Fresh vakalatnama filed on behalf of all the defendants. Be taken on record.

Counsel for defendant submits that he has received the copy of plaint and he will file WS on behalf of all the defendants within statutory period. Let the same be filed with an advance copy to the other side.

Replication, thereafter, be filed by the plaintiff within 30 days with an advance copy to the other side.

At this stage, counsel for the plaintiff presses his application u/o 39 rule 1 & 2 r/w section 151 CPC. It is submitted that all defendants be restrained from creating any third party interest in the suit property i.e. entire first floor consisting two rooms, toilet and cement shade and one room, half portion of gallery-cum-verandah surrounded room at ground floor in property bearing no. 1/596, Moti Ram Road, G T Road, Shahdara Delhi – 32 (specifically shown in red colour in site plan) till the pendency of the suit.

Arguments on the aforesaid application heard.

Counsel for defendants submit that the defendant no. 1 and 2 (defendant no. 3 and 4 through defendant no. 1 and 2) are ready to give statement that they shall not create any third party interest in the suit property.

Joint statement of defendant no. 1 and 2 has been recorded to that effect.

In view of statement given by defendants, application of the plaintiff u/o 39 rule 1 & 2 r/w section 151 CPC is allowed. Defendants are restrained from creating any third party interest in the suit property.

Application u/o 39 rule 1 & 2 r/w section 151 CPC stands disposed off.

Both the parties are directed to maintain status quo till the NDOH.

List for filing of replication, A/D of documents and framing of issues on 22.01.2024. A/D of documents be filed in the form of affidavit by both the parties.

(Mohammad Ehtesham)
ADJ-03, Shahdara
KKD Courts, Delhi
06.10.2023