

13 CS 2632/24
Mohd Gayyur Vs. Mohd Rizwan and Ors

23.07.2025

At 11:37am

Present: Ms. Nikita, Ld. proxy counsel for Sh. Sandeep Tyagi, Ld. Counsel for plaintiff.
Sh. Vishesh Kumar Raghav, Ld. Counsel for D-1 and D-7.
None for D-2 to D-6.
Sh. Prashant Kumar Sharma, Ld. Counsel for D-8 through VC.
Sh. Vinay Rathi, Ld. Counsel for DUSIB/D-9.

Ld. counsel for D-8 submits that he has filed the reply to the application under Order XI Rule 12 and 14 r/w Section 151 CPC through e-filing today. He further submits that he will file the original reply by tomorrow.

WS and application under Section 151 CPC to the amended plaint on behalf of D-1 and D-7 filed. Copy supplied.

Affidavit of admission and denial of documents filed on behalf of D-1.

Ld. counsel for D-1 and D-7 submits that D-7 shall adopt the affidavit of admission and denial of documents filed by D-1.

An application under Order VII Rule 11 r/w Section 151 CPC filed on behalf of D-1 and D-7.

(2)

Ld. Counsel for D-1 and D-7, on instructions submits that D-1 and D-7 want to withdraw the application under Order VII Rule 11 r/w Section 151 CPC.

In view of the submissions, present application under Order VII Rule 11 r/w Section 151 CPC is hereby **dismissed as withdrawn.**

Application under Order VII Rule 11 r/w Section 151 CPC is accordingly disposed of.

Ld. Counsel for D-1 and D-7, on instructions submits that D-1 has already sold the suit property in the year 2021. He further submits that he will disclose the particulars and name of the person whom D-1 had sold the suit property.

Ld. Proxy counsel for plaintiff, on instructions submits that plaintiff has no objection, if the application under Section 151 CPC be allowed subject to cost.

Heard. Application perused.

The matter is still at initial stage and issues are yet to be framed. It is also settled law that all cases shall be decided on merits and after giving proper opportunities to all the parties to represent themselves and contest the case.

In view of the submissions, contentions made in the application, no objection given by Ld. proxy Counsel for plaintiff and also considering that the matter is still at initial stage and no prejudice would be caused to plaintiff, if the present application be allowed, therefore, the present application under Section 151 CPC is hereby allowed subject to cost of Rs.2,000/- which is to be paid to plaintiff.

(3)

Application under Section 151 CPC is accordingly disposed off.

Subject to payment of cost, WS of D-1 and D-7 is taken on record.

Put up for reply and arguments on the application under Order XI Rule 12 and 14 r/w Section 151 CPC, application under Order XXXIX Rule 1 and 2 r/w Section 151 CPC and framing of issues on 17.09.2025.

Date is given as per the convenience of Ld. counsels.

**(Deepanker Mohan)
District Judge-04
Shahdara District/KKD Courts/Delhi
23.07.2025**