

KULWANT SINGH SAINI Vs. KULDEEP SAINI

14.03.2026

File taken up today as 02.03.2026 was declared holiday pursuant to the Notification No.432-483/G-4/Genl.-I/DHC dated 27.02.2026.

Present: Sh. Sanjay Sawhney and Sh. Sandeep Kaushik, Ld. Counsels for the plaintiff.
Ms. Radhika Rai, Ld. Counsel for the defendant (through VC).
Sh. Rishikesh Yadav and Sh. Vishal Rai, Ld Proxy Counsels for the defendant (physically).

WS alongwith reply to the application U/o 39 Rule 1 and 2 CPC and documents filed on behalf of the defendant. Copy supplied.

Arguments heard on the application U/o 39 Rule 1 and 2 CPC from both the sides.

Ld. Counsel for plaintiff submits that defendant is in possession of the suit property through his tenants.

Per contra, Ld. Counsel for defendant submits that the property is not under the locks of the defendant nor there are any tenants of the defendant and the plaintiff is always at liberty to come and stay in the suit property as the plaintiff has 1/3rd share in the suit property.

Ld. Counsel for plaintiff submits that he has challenged the relinquishment deed dated 04.09.2015 executed by the father in the name of the defendant and that plaintiff is also entitled to 1/2 share in the suit property.

Ld. Counsel for defendant fairly concedes that defendant is not in possession of the suit property.

However as per Para 11 of the WS, it is stated by the defendant that defendant is using the ground floor of the suit as storage facility for his cloth business and the remaining floors are mostly vacant and are occasionally let out and the tenancy is seasonal and irregular and the defendant gets approximately Rs.25,000/- per month by way of rent.

In view of the above, both the parties are directed to maintain status-quo w.r.t. title and possession qua the suit property till the disposal of the present suit.

The application U/o 39 Rule 1 and 2 CPC stands disposed of.

Put up for completion of pleadings/ framing of issues on 20.07.2026.

(Ankur Jain-II)
DJ-02, SHD District
KKD/Delhi 14.03.2026