

RAJESHWAR KUMAR Vs. SATESHWAR KUMAR AND ORS
19.03.2024

At 10:44am

Present: Sh. D.K. Santoshi, Ld. Counsel for the plaintiff
along with plaintiff in person.
Sh, Vijay Waghe, Ld. counsel for the D-1.
D-2 and D-3 are yet to be served.
D-4 and D-5 in person.
None for the D-6.
Ms. Pooja Sharma, Ld. Proxy Counsel for Sh.
Avishek Kumar, Ld. Counsel for the MCD/D-7.

WS, reply to the application under Order XXXIX Rule 1 and 2 CPC, documents and Vakalatnama filed on behalf of D-1 on 05.01.2024. Copy already supplied. Same be taken on record.

Fresh Vakalatnama filed on behalf of the D-7. Same is taken on record.

Process was issued to D-2 & D-3. Summons yet not received. Be awaited.

In a meanwhile, fresh summons be issued in the present suit upon the D-2 and D-3 and notice of the application under Order XXXIX Rule 1 and 2 CPC through concerned Ld. Principal District & Sessions Judge on filing of PF/RC/Courier, returnable for the NDOH.

Dasti summons be also issued.

D-4, D-5, D-6 and D-7 are directed to file their written statements and reply to the application under Order XXXIX Rule 1 and 2 CPC and affidavit of admission and denial of documents within 30 days from today with an advance copy to the plaintiff.

(2)

D-1 is also directed to file affidavit of admission and denial of documents within 15 days from today with an advance copy to the plaintiff.

Plaintiff is also directed to file affidavit of admission and denial of documents qua the documents filed by D-1 within 30 days from today with an advance copy to the opposite side.

Plaintiff would be at liberty to file replication of the written statements, if any with an advance copy to the opposite side.

At this stage, Ld. Counsel for the plaintiff submits that D-1 is raising the construction in the suit property.

Ld. Counsel for the defendant no.1 submits that D-1 is doing repair work in the suit property. It is further submitted by the Ld. Counsel for the defendant no.1, on instructions that D-1 shall not claim any special equalities qua the repair work carried out by him in the suit property.

Separate statement of the Ld. Counsel for the defendant no.1 is recorded in this regard.

D-1 is bound by the statement given by his Ld. Counsel.

Put up for compliance, reply and arguments on the application under Order XXXIX Rule 1 and 2 CPC & affidavit of admission and denial of documents on **28.05.2024**.

(Deepanker Mohan)
Additional District Judge-04
Shahdara District/KKD Courts/Delhi
19.03.2024