

AMOGH MALIK AND ORS. VS. VIKAS MALIK AND ANR.

07.05.2025

Present: Sh. Narender Bhandari, ld. Counsel for plaintiffs.
None for defendants.

As per the ahlmad report, both the defendants served on 04.02.2025. Both the processes were received by Neetu (wife of defendant no. 1).

WS be filed by the defendant no. 1 as per rules with advance copy to the other side. Let reply to the application u/o XXXIX Rule 1 & 2 CPC be also filed by the defendant no. 1 within 04 weeks with advance copy to the other side.

The speed post sent to defendant no. 2 received back with report that “addressee is not residing at the given address”. *Plaintiff is directed to file fresh address of defendant no. 2.*

Subject to filing of fresh address of defendant no. 2, issue fresh summons to defendant no. 2 on filing of PF/RC/SP, returnable for NDOH.

Counsel for the plaintiff submits that another suit bearing CS no. 2529/2024 titled as Sunita Gupta V/s. Vikas Malik in respect of the same suit property is pending before the court of Sh. Deepanker Mohan, ld. District Judge – 04, Shahdara District, Karkardooma Courts, Delhi wherein defendant no. 2 is the plaintiff. ld. Counsel further submits that the plaintiff herein are not party to the said civil suit. ld. Counsel further submits that before filing the present suit, he was not aware about the said civil suit. ld. Cousnel further

submits that one of the suit property of the present suit is not the subject matter of the above suit.

Ld. Counsel further submits that he would move appropriate application in the said civil suit and would also move an appropriate application before the Ld. Principal District and Sessions Judge, Shahdara with a prayer to transfer the present civil suit and the said civil suit before the same court.

Counsel for the plaintiff is pressing upon his application u/o XXXIX Rule 1 & 2 CPC.

Despite service, defendant no. 1 has not appeared.

Submissions heard.

Considering the facts and circumstances, defendant no. 1 is directed to maintain status quo in respect of the suit property till the NDOH.

Put up for arguments on application u/o XXXIX Rule 1 & 2 CPC and further proceedings on **18.08.2025**.

**(Mohammad Ehtesham)
DJ – 03, Shahdara District,
Karkardooma Courts, Delhi
07.05.2025**