

3 CS 946/23

SUMITRA DEVI (SR. CITIZEN) Vs. USHA AND ANR

14.05.2024

At 10:09am

Present: Sh. Amanpreet Singh, Ld. proxy counsel for Sh. Jagjit Sahni, Ld. Counsel plaintiff.
Sh. Amit Sharma, Ld. counsel for defendants along with D-1 in person.

Summons were issued upon defendants. Report filed. As per report, summons were served upon defendants on 24.04.2024.

Fresh Vakalatnama filed on behalf of defendants. Same is taken on record.

Defendants are directed to file WS and affidavit of admission and denial of documents within stipulated period with an advance copy to plaintiff.

Plaintiff is at liberty to file replication, if any and affidavit of admission and denial of documents, if required thereafter within 15 days with an advance copy to the defendants.

Parties are directed to produce original documents and file proposed issues on or before the NDOH.

At this stage, Ld. counsel for plaintiff presses his application under Order XXXIX Rule 1 and 2 CPC.

It is submitted by Ld. counsel for plaintiff that defendants are in possession of the suit property and plaintiff has great apprehension that defendants may create third party right/interest in the suit property.

Ld. counsels for defendants, on instructions submits that defendants have no intention to create any third party right or

(2)

interest in the suit property during the pendency of the present suit.

Separate statements of defendant no.1 and plaintiff recorded in this regard.

In view of the contentions made in the application, considering the statements of plaintiff and defendant no.1 recorded today and also considering the fact that plaintiff has filed suit for possession, damages and permanent injunction against defendants and if during the pendency of the present suit, any third party right is created then the same shall cause multiplicity of litigations and shall also cause irreparable loss to plaintiff, therefore, defendants are restrained from creating any third party right or interest in the portion of the suit property occupied by them during the pendency of the present suit.

Application under Order XXXIX Rule 1 and 2 CPC is accordingly disposed off.

Plaintiff is directed to file amended memo of parties within 15 days from today with an advance copy to defendants.

Put up for completion of pleadings, admission and denial of documents and framing of issues on **12.08.2024**.

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

(Deepanker Mohan)
District Judge-04
Shahdara District/KKD Courts/Delhi
14.05.2024