

11.09.2024

At 12:33pm

Present: Sh. Aditya Jain and Sh. Kshitiz Jain, Ld. counsels for plaintiff.

Sh. Anand Kumar, Ld. counsel for D-1, D-3 to D-5 through VC **(D-1 stated to be expired on 19.02.2024).**

Sh. Chetan Singh, Ld. proxy counsel for Sh. Anand, Ld. counsel for D-1, D-3 to D-5 **(D-1 stated to be expired on 19.02.2024).**

None for D-2 **(already exparte vide order dated 10.05.2023).**

Summons was issued upon D-4.

Ld. counsel for D-1, D-3 and D-5 submits that he is also appearing on behalf of D-4. He further submits that he will file his Vakalatnama on behalf of D-4 on or before the NDOH.

An application under Order I Rule 10(2) CPC seeking deletion of D-4 and D-5 along with set of documents filed on behalf of plaintiff. Copy already been supplied.

Copy of death certificate of D-1 also filed by the Ld. counsel for D-1, D-3 to D-5.

Affidavit of admission and denial of documents filed by plaintiff on 22.05.2024. Copy already been supplied.

An application U/s 151 CPC along with amended memo of parties filed on behalf of plaintiff. Copy supplied.

Defendants are directed to file reply to the afore-said

(2)

application, if any within 15 days from today with an advance copy to opposite side.

Ld. Counsel for the plaintiff submits that he will again file the amended memo of parties.

At this stage, Ld. counsel for plaintiff presses his application under Order XXXIX Rule 1 and 2 CPC. He further submits that D-2 to D-5 who are the LR's of D-1 are intending to create third party right and interest in the suit property and if defendants succeed in their illegal design then the plaintiff shall suffer an irreparable loss and injury which cannot be compensated in terms of money and further indulge the plaintiff into multiplicity of litigation. He further submits that the present suit has been filed for seeking the relief of specific performance in respect to the suit property.

Ld. counsel for D-3 to D-5 submits that D-3 to D-5 have no intention to create any third party right or interest in the suit property till the NDOH. He further submits that he is giving this statement at Bar.

Put up for arguments on the application under Order XXXIX Rule 1 and 2 CPC, reply and arguments on the application U/s 151 CPC and application under Order I Rule 10(2) CPC on 28.10.2024.

(Deepanker Mohan)
District Judge-04
Shahdara District/KKD Courts/Delhi
11.09.2024