

CS No. 258/22

Sh. Lala Ram Verma Vs. Nafe Singh

06.11.2023

Present: Sh. Narender Kumar, counsel for plaintiff.

Sh. B K Dwivedi, counsel for defendant with defendant.

Previous cost not paid by the defendant. Last and final opportunity is granted for the same otherwise, written statement shall not be taken on record. Time of 30 days is sought by the defendant. He is directed to comply with the directions within the time given to him.

Arguments addressed on application under Order 39 Rule 1 and 2 CPC and the plaintiff has submitted that he has entered into an agreement with the defendant vide which he had given the suit property on rent to the defendant at monthly rent of Rs.12,000/- vide rent agreement drawn on 04.04.2018 for 11 months which was subsequently renewed on 22.02.2021. He has placed the rent agreement on record and also the title documents showing his ownership over the suit property. As the defendant, despite legal notice dated 10.01.2022 neither vacated the suit property nor paid the accrued rent and the arrears thereof, the plaintiff has been suffering irreparable loss at the hands of the defendant. Further, as the plaintiff has been in possession of all the relevant evidence, the balance of convenience also lies in his favour hence, he has prayed that temporary injunction be granted in favour of the plaintiff restraining the defendant from creating third party interest in the suit property during the pendency of the suit.

Defendant has submitted that he had purchased the suit property from one Sushma Rathore and had even made part payment for the same. He does not intend to part with the suit property or create third party interest in the suit property.

Separate statement of defendant is recorded in this respect.

In view of statement made by the defendant, application under under Order 39 Rule 1 and 2 CPC stands disposed of accordingly.

Be listed for further proceedings on 20.01.2024.

(Purva Sareen)
ADJ-01, South District
Saket Court, New Delhi
06.11.2023