

CS DJ ADJ16561/16
KULDEEP INDEEVAR
Vs.
RAKESH

15.10.2019

Present: Plaintiff in person
Sh Praveen Suri counsel for defendant a/w
defendant

Learned counsel for the defendant submits that he has been recently engaged by the defendant and he has applied for certified copy of the case record, as the previous counsel for the defendant did not have the complete record.

Matter be kept back for appearance of counsel for the defendants.

(Hargurvarinder S.Jaggi)
ADJ-02 : Dwarka Courts
New Delhi/15.10.2019
AP

At 1133 hrs

Present: Sh Amit Srivastava counsel for plaintiff a/w
plaintiff
Sh Praveen Suri counsel for defendant a/w
defendant

Learned counsel for the defendant submits that suit for specific performance and a suit for permanent injunction under Section 6 of the Special Relief Act with regard to immovable property bearing plot no. 10/3 and 10/4 in *khasra* no. 19/18/2, 19/2, 20/2, 21/1, 22/2 and 23/1 in the revenue state of Village Nangli Sakrawati now known as Niranjn Park, C Block,

Najafgarh, New Delhi – 110043 is pending adjudication before the court of ADJ-05, South West District, Dwarka Courts, Delhi. Learned counsel for defendant further submitted that since the subject matter of the suit is similar and the parties to the *lis* are also same, the defendant may be granted an opportunity to move an appropriate application either to seek transfer of the case or consolidation of all the proceedings – two civil suits pending adjudication before the court of Ld. ADJ-05, South-West, Dwarka Courts, Delhi and two civil suits pending before this court.

Learned counsel for the plaintiff has strongly opposed the submissions advanced by the learned counsel for the defendant and stated that not only the subject matter of the dispute is different in the aforesaid suits but also the parties are not the same. Learned counsel for the plaintiff further submit that the defendants are intentionally delaying the proceedings on one pretext or the other.

Heard.

On perusal of case record, it is observed that the present legal proceedings listed at item Nos. 15 and 16 were transferred to this court by order dated 03.08.2018 passed by the Ld. District and Sessions Judge in ***Kuldeep Indeveer and Ors Vs. Smt Darshana*** – TA No. 65/2018. On perusal of order dated 03.08.2018 it is observed that there is no mention of any other

suit pending between the parties in the South-West District, Dwarka Courts, Delhi with regard to the same subject matter. Be that as it may, the matter pertains to the year 2012, and we are still languishing at the stage of plaintiff's evidence. It is also observed that on 26.07.2019 the previous counsel for the defendant submitted that the defendant intends to challenge the order dated 17.07.2019 passed by this court before the Superior Court and the matter stood adjourned for PE on 13.08.2019. However, the order dated 17.07.2019 remain unchallenged by the defendant. Thereafter, no progress has been made and today there is change of counsel and a plea of getting four suits consolidated.

In view of the above, I deem appropriate to adjourned the matter for **12.12.2019** for PE. *Date is given after consultation and at request of the counsels. No request of further adjournment shall be given on the next date of hearing.*

(Hargurvarinder S.Jaggi)
ADJ-02 : Dwarka Courts
New Delhi/15.10.2019
AP