

CS No. 15366/16  
KELA DEVI Vs. MAHESH KUMAR ORS.

08.04.2019

*Second call at 12:15 PM*

Present : Advocate Sh. S B Sharma for plaintiff.

Advocate Sh. Ankit Sharma for defendant No. 1.

Advocate Ms. Anjali Pathak for defendant No. 2.

Advocate Sh. Vinay Parasar for defendants No. 3 and 4.

None for defendant No. 5.

Plaintiff's reply to defendant's application under Order XXXIX Rule 1A CPC for grant of stay has been filed. Copy supplied.

Submissions heard.

Ld. counsel for defendant No. 2 has referred to order dated 14.09.2018 passed by Ld. DM, Kapashera directing defendant No. 2 to vacate the premises within two weeks of receipt of order for requesting for interim order restraining plaintiff for transferring and alienating the property and from dispossessing and disturbing peaceful possession of defendant No. 2.

Ld. counsel for defendants No. 3 and 4 submits that defendants No. 3 and 4 have already vacated the portion of suit property under their occupation.

Ld. counsel for defendant No. 2 submits that she has filed appeal against order dated 14.09.2018 before Divisional Commissioner (Appellate Authority) which is listed on 01.05.2019.

Matter is adjourned to **07.05.2019** for order upon defendant's application.

Ld. counsel for plaintiff submits that defendants No. 3 and 4 being son and daughter-in-law have handed over peaceful vacant possession of portion of property under their occupation whereas

defendant No. 5 being neighbour (proforma party) may be dropped from the array of defendants.

Separate statement of plaintiff has been recorded to this effect and she has been identified by her counsel.

Defendants No. 3, 4 and 5 are accordingly dropped from the array of defendants.

Amended memo of parties be filed on next date.

(TARUN YOGESH)  
ADJ-03/Dwarka Courts  
New Delhi /08.04.2019