

23.05.2023

Present: Sh. Randhir Kumar, Ld. Counsel for the plaintiff
along with plaintiff in person.
Sh. L.S. Gautam, Ld. Counsel for both the
defendants.

File has been taken up on applications moved on behalf of the plaintiff U/s 151 CPC and Order XXXIX Rule 2A read with 151 CPC. Defendants were served notice of the above said two applications. Ld. Counsel has appeared on behalf of both the defendants and submitted that the said applications are misplaced in law and the plaintiff has not approached the court with clean hands. On the other hand, Ld. Counsel for the plaintiff has submitted that defendants are flouting the orders of this court.

Separate statement of the defendant no. 1 has been recorded whereby she has deposed that she has already sold the suit property in question to a third party by way of a registered sale deed prior to filing of the suit. Matter is already fixed on 03.08.2023 for completion of pleadings. Prima facie, I do not find that any directions are required to be passed as sought for in the application U/s 151 CPC, whereby the plaintiff has sought directions to be issued to the local Police Authorities. The interest of the plaintiff is sufficiently protected by the interim order passed by this court on 23.02.2023. Otherwise also, the provisions of Section 52 of the Transfer of Property Act, 1882 and Section 19 (b) of the Specific Relief Act would also be applicable.

Let the matter come up on date already fixed i.e.
03.08.2023.

(DIVYANG THAKUR)
ADJ-03/ SOUTH-WEST
DWARKA/ NEW DELHI
23.05.2023