

CS DJ/ADJ 261/2024

RAMESH KUMAR VS. M/S PP INFRA PVT. LTD. & ORS.

16.03.2024.

Fresh suit received by way of assignment. It be checked and registered.

Present: Sh. Arjun Malik, Ld. Counsel for the plaintiff along with plaintiff.

Submissions heard. Record perused.

Considering the facts and circumstances of the present case, in the considered opinion of this court, Sub-registrar IX, Kapashera is not necessary party to the present suit, hence, deleted from the array of parties. Amended memo of parties be filed within 4 weeks.

Issue summons of the suit along with notice of application U/o XXXIX rule 1 and 2 CPC, to the defendants through all authorized modes, on filing of PF/RC, returnable for **25.04.2024**.

At this stage, Ld. Counsel for the plaintiff press for exparte ad-interim stay. It is submitted that plaintiff is absolute owner of property bearing no. 29, measuring 200 sq. yards, out of khasra no. 13/24 and 16/4 situated in Village Kakraula, abadi known as Bajaj Enclave, Block-A, New Delhi by virtue of GPA, Agreement to Sell, Affidavit etc dated 07.07.1982.

It is further averred that relief of the plaintiff is limited to Flat no. 101,102, 103, 402 and 403 which is in possession of defendants herein. It is further averred that defendants have no right, title or interest with respect to these flats in the suit property and plaintiff has strong apprehension that defendants may create third party interest during the pendency of the present suit. Hence, ad-interim exparte stay requested.

Submissions heard. Record perused.

Considering the facts and circumstances of the present case, essential ingredients i.e. prima facie, balance of convenience and irreparable loss made out in favour of the plaintiff. Hence, *status quo* be maintained qua suit property till the NDOH. Compliance under Order XXXIX Rule 3 CPC be made within 2 days.

Defendant shall file reply to the application U/o XXXIX rule 1 and 2 CPC.

Now, to come up for completion of pleadings/arguments on interim application on **25.04.2024**.

Order be uploaded on website under DSC.

(SHILPI M JAIN)
ADJ-05 (SW)/Dwarka Courts
New Delhi: 16.03.2024 (AR)