

03.06.2019

Present: Plaintiff Shri Jai Narain.
Advocate Shri Naval Kautsa for defendants No.1 to 10.

Be awaited for plaintiff's counsel.

(Tarun Yogesh)
ADJ-03 : Dwarka Courts
Delhi/03.06.2019

Second call at 12:16 p.m.

Present: Advocate Shri Sudhanshu Tomar along with plaintiff.
Advocate Shri Naval Kautsa for defendants No.1 to 10 along
with defendant No.2 Shri Sanjeev.

Matter has been pre-poned for submissions upon plaintiff's
application for interim relief as defendant's under Section 151 CPC for early
hearing was allowed on 28.05.2019.

Ld. Counsel for plaintiff has filed copy of amended suit for
permanent injunction and copy of sale deed dated 22.03.1984 along with list
of documents. Copy supplied.

Ld. Counsel for defendants No.1 to 10 has referred to three
photographs (page No. 51 of documents) and site plan of khasra No. 88
(page No. 48 of documents) for requesting to allow defendants to complete
construction of the house (building) raised up to third floor which is required
for residential purpose as defendants along with their children are residing in
a small house.

Further, he also submits that defendants are ready to give their
undertaking to the effect that they will not handover possession of the
building (floors) and/or create third party interest in the property (constructed

building in khasra No. 88) till disposal of the suit.

Separate statement of defendant No. 2 Shri Sanjeev Kumar has been recorded to this effect and he has been identified by his counsel.

Order dated 29.04.2019 restraining defendants from raising construction/renovation of suit property (building raised in khasra No. 88 of old lal dora, Village Chhawla) **is modified** and defendants no.1 to 10 are allowed to complete construction of the building as per MCD rules which will be subject to the final outcome of plaintiff's suit.

Matter is adjourned to 17.07.2019 for replication and arguments upon plaintiff's application under Order XXXIX Rules 1 & 2 CPC.

Dasti copy of order be given to Ld. Counsels for plaintiff and defendants.

(Tarun Yogesh)
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