

**C.S. No.517425/16**  
**M.R. Aggarwal vs. Radha Raman Sharma**

30.05.2019

Present: Ms. Renu Gupta, counsel for the plaintiff.  
Ms. Chandra Kumari, counsel for the defendant.

Arguments on the applications U/o. 39 Rule 1 & 2 CPC and U/o. 7 Rule 14(3) CPC heard.

So far as the application U/o. 39 Rule 1 & 2 CPC is concerned, by way of this application, the plaintiff has prayed that the defendant be restrained from selling, alienating or creating third party interest in the suit property. However, the Ld. Counsel for the defendant stated that defendant is not going to create any third party interest in the suit property. In view of aforesaid submission of the counsel for the defendant, the application U/o. 39 Rule 1 & 2 CPC stands disposed off and the defendant is restrained from creating third party interest in the suit property during the pendency of the case.

So far as the application U/o. 7 Rule 14(3) CPC is concerned, by way of the present application, the plaintiff wants to place on record the copy of police complaint made by him to prove that till 2003, he was in possession of the suit property.

The counsel for the defendant has submitted that the authenticity of the said document is doubtful and no good reason has been shown that why the said document has not been filed alongwith the plaint. Since, in this case only issues have been

framed and plaintiff's evidence has not yet started, therefore, the said document is taken on record subject to cost of Rs. 500/- payable to the defendant and the authenticity, genuineness and relevance of the said document shall be considered at the relevant stage as per law. The application stands disposed off. Cost of Rs. 500/- paid.

Now, case is fixed for PE on **07.09.2019**.

Advance copy of affidavit in evidence is supplied today to the counsel for the defendant.

(Balwant Rai Bansal)  
ADJ-05(SW)/Dwarka Courts  
30.05.2019