

13 CS DJ ADJ 680/22 JASPAL SINGH Vs. SUNIL KUMAR @ SOMI AND ANOTHER

13.07.2023

Present: Sh S.B Sharma, Ld. Counsel for plaintiff.
Sh Vishal Singh, Ld. Counsel for defendant No. 1.
Sh Hemant Gehlot, Ld. Counsel for defendant No. 2.

Arguments on application under Order XXXIX Rule 1 & 2 CPC heard. During course of arguments, it is submitted by Ld. Counsel for defendant No. 1 that defendant No. 1 shall not create any third party interest or part with possession of suit property till pendency of present suit.

In view of the above, defendant No. 1 is hereby restrained from creating any third party interest or part with possession of suit property till pendency of present suit. Application under Order XXXIX Rule 1 & 2 CPC stands disposed off accordingly.

It is submitted by Ld. Counsel for plaintiff that no replication is to be filed to the written statement of defendant No. 2. Pleadings are complete. On the basis of pleadings, following issues are framed:-

1. Whether plaintiff is entitled to a decree of possession in respect to suit property i.e. plot No. 168, measuring 70 sq. yards out of khasra No. 168 in revenue estate village Nangli Sakrawati, Najafgarh, Delhi against defendant No. 1? OPP
2. Whether plaintiff is entitled to a decree of permanent injunction against defendant No. 1 thereby restraining him from creating any third party interest in the suit property? OPP
3. Relief.

No other issue arises.

List of witnesses be filed by both the parties within 15 days with advance copy to each other. Evidence by way of affidavit of the PWs be filed 15 days prior to next date of hearing with advance copy to other side.

Be listed for PE on 17.11.2023.

(ANUJ AGRAWAL)
ADDL. DISTT. JUDGE-05
Dwarka Courts, New Delhi/13.07.2023