

06.11.2024

Present: Sh. N.C. Sharma, Ld. Counsel for Plaintiff.
Sh. Buntty Tanwar, Ld. Counsel for Defendant.

Process to Defendants no. 1 to 6 received back unserved with the report that the premises were found locked. RC not received back. RC to Defendant no. 6 could not be sent due to shortage of postal stamps.

Ld. Counsel has appeared for all Defendants and has filed Vakalatnama on behalf of all the Defendants. Same is taken on record. Therefore, all Defendants stand served.

Therefore, Defendants are directed to file WS within the statutory period of time remaining to them along with advance copy to the opposite party.

In the meanwhile, Ld. Counsel for Plaintiff has submitted that the Plaintiff has a good *prima facie* case and that the Plaintiff and Defendant had entered into an agreement to sell the piece of land and also paid a sum of Rs. 93,00,000/- as earnest money to the predecessor-in-interest of the Defendants who wants to procure the NOC which was not procured and hence, this suit to recover the earnest money. Ld. Counsel has submitted that the Defendants may be restrained from creating any third party interest in the land that was subject matter of the suit property as they are trying to sell out the land and any decree passed by the Court will be rendered a paper decree.

As an interim measure, the Defendants are restrained from creating any third party interest in the piece of land admeasuring 14 bigha in khata no. 109/108, 38/16/1/(0-04), 16/2,(2-01), 24(2-16), 25(4-16), 3994-11), 8(5-14) 4, 43/11/2 (5-09), 1/1(1-00) 20(4-16) 45/19 (4-06) 21 (4-

16), 22 (4-16), 53/2/1(3-04) total 56 bigha, 1/4th share in khata no. 244(7-05) situated in village Surhera, Tehsil Najafgarh, New Delhi, till further orders.

Copy of this order be given dasti, as requested.

Put up for completion of pleadings and further proceedings on **20.01.2025**.

(DIVYANG THAKUR)
DJ-03/SOUTH-WEST
DWARKA/NEW DELHI
06.11.2024 (A)