

JASVINDER SINGH KOHLI Vs. GAUTAM ARORA

18.07.2025

Present: Sh. Sushant Kumar, Ld counsel for the plaintiff along with plaintiff in person.
None for the defendant.

Defendant has been served on 05.04.2025.

Be awaited for the appearance of defendant at 12.30PM.

(SHIV KUMAR)
DJ-02 (W)THC:Delhi
18.07.2025

At 12.45 PM

Present: Sh. Sushant Kumar, Ld counsel for the plaintiff along with plaintiff in person.
None for the defendant.

None has appeared on behalf of the defendant, despite waiting since morning.

Defendant has been served on 05.04.2025 but no written statement has been filed on behalf of the defendant. Due to non -appearance of defendant, the defendant is proceeded ex parte.

Arguments heard on the application filed under order 39 rule 1 & 2 CPC.

The present suit has been filed by the plaintiff seeking decree of possession of suit property i.e. WZ-57, Plot no. 33, First Floor, Ram Nagar Extension, New Delhi. It is averred by the plaintiff that he has given suit property on rent to the defendant @ Rs. 28000/- per month, vide registered lease deed dated 16.12.2022

for a period of two years. It is further averred that the plaintiff has terminated the tenancy of defendant w.e.f 15.12.2024 by sending legal notice dated 10.12.2024. The plaintiff has prayed in the application filed under order 39 rule 1 & 2 CPC that defendant and his representatives may be restrained from part with possession and creating third party interest over the suit property.

In view of the abovesaid facts, it is clear that defendant has no legal right to create third party interest or parting with possession on the suit property to any person except plaintiff as he is only tenant of the suit property. Therefore, application filed under order 39 rule 1 & 2 CPC stands allowed.

Defendant and his representatives are restrained from creating third party interest or parting with possession on the suit property to any person except plaintiff till disposal of present suit.

Application stands disposed off accordingly.

Put up for ex parte PE on 22.09.2025.

(SHIV KUMAR)
DJ-02 (W)THC:Delhi
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