

CS No. 1217/18

Smt. Shanti Devi & Anr. V/s Sh. Tirath Ram & Ors.

24.09.2019

Present: Ms. Nidhi Gupta, counsel for plaintiff with plaintiff no. 1.

Defendant no. 3 & 4 are present in person.

Be awaited.

(Sanjay Jindal)
ADJ-04(NW)/Rohini Courts
Delhi/24.09.2019

24.09.2019

11:55 AM.

Present: Ms. Nidhi Gupta, counsel for plaintiff with plaintiff no. 1.

Defendant No. 3 & 4 in person on behalf of defendants
no. 2 to 4.

None for defendant no. 1.

No written statement has been filed by defendant no. 1
in terms of last order. The statutory period for filing the written
statement already expired. Accordingly, the right to file the written
statement by defendant no. 1 is hereby closed and defence of
defendant no. 1 is struck off.

Written statement has already been filed by defendant
no. 2 to 4. Defendants no. 2 to 4 are supporting the case of the
plaintiff, as stated.

Considering the pleadings, following formal issues are
framed:

1. Whether the plaintiff is entitled for the decree of Partition, as
prayed for? OPP

Contd...../-

2. Whether the plaintiff is entitled for the decree of permanent injunction, as prayed for? OPP.

3. Relief.

No other issue is pressed or arises. Put up for PE by way of affidavit on 04.01.2020 with advance copy to other party.

Parties are directed to file original documents and list of witnesses on record within 15 days from today alongwith spare copy for other party.

At this stage, it is pointed out by counsel for the plaintiff that an application under Order 39 Rules 1 & 2 CPC is also pending and prayed that the same may be disposed off.

Heard. Record perused.

Considering the available material on record, it is clear that there is prima facie case in favour of the plaintiff. The balance of convenience also lies in favour of the plaintiff and there are chances of plaintiff suffering irreparable loss. Hence, the application under Order 39 Rules 1 & 2 CPC is allowed and the defendants are restrained from creating third party right, title or interest with regard to the suit property bearing property No. A-79, MCD No. WZ-997, Rani Bagh, New Delhi-110034 during the pendency of the present suit.

Application stands disposed off accordingly.

(Sanjay Jindal)
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