

06.12.2024

Present: Sh. Sandeep Kumar, Ld counsel for the plaintiff along with parents of plaintiff in person.  
Sh. Anand Kumar, Ld counsel for the defendants along with D-7 in person.

Ld counsel for defendant submits that he wants to withdraw the application filed by him under order 7 rule 11 CPC. Endorsement of withdrawal of application has been taken on the said application from Ld. counsel for defendant. Accordingly, the said application is disposed being withdrawn.

Ld counsel for the defendant has filed an application under order 8 rule 1 r/w 151 CPC for condonation of delay in filing the written statement.

Arguments heard, on the condonation application filed under order 8 rule 1 CPC.

Ld counsel for the plaintiff submits that he has no objection, if the said application is allowed and written statement of the defendant be taken on record.

In view of the non-opposition of ld counsel for the plaintiff, the application for condonation of delay filed by the defendant, under order 8 rule 1 CPC stands **allowed** and the written statement has been taken on record.

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

Case filed perused. It is admitted by the defendant that the suit property was given on rent by the plaintiff to the defendant,

vide agreement dated 05.10.2020 for 11 months. However, the defendant is disputing the rate of rent and contended that the rate of rent was fixed as Rs. 3000/- but in the rent agreement by committing fraud with defendant, the plaintiff has mentioned rate of rent as Rs. 9000/- per month.

The landlord and tenant relationship has not been disputed between the parties. The defendant has no other interest in the suit property except the tenancy. Therefore, prima facie case and balance of convenience lies in favour of the plaintiff for granting injunction against the defendant and the plaintiff will suffer irreparable loss, if the defendant is not restrained from creating third party interest and raising construction over the suit property. Therefore, application of the plaintiff, under order 39 rule 1 & 2 CPC stands **allowed**. The defendant is restrained from selling, transferring or creating third party interest and raising construction over the suit property till disposal of present suit.

***Application under order 39 rule 1 & 2 CPC stands disposed off accordingly.***

Parties are directed to file affidavit of admission/denial of documents by supplying advance copy to each other.

Parties are directed to remain present on the NDOH for exploring the possibility of settlement between them and recording their statement under order 10 CPC.

Put up for abovesaid purpose on **19.02.2025**.

(SHIV KUMAR)  
District Judge-02, Court no.127,  
West Distt, Tis Hazari courts  
Delhi: 06.12.2024