

06.03.2025

Present : Mr. S.B. Singh, Ld. Counsel for plaintiff no. 1.
Ms. Ashi Nigam, Ld. Counsel for plaintiff no. 2
alongwith plaintiff no. 2 in person.
Ms. Anshoo Saxena, Ld. Counsel for the defendant
no. 1 through VC.
None for defendant no. 2.

Ld. Counsel for defendant no. 1 submits that the attorney
of plaintiff no. 1 through whom the plaintiff no. 1 had instituted
the suit has died.

Affidavit of plaintiff no. 2 and documents are filed by
Ld. Counsel for plaintiff no. 2.

Written statement, reply to application under Order 39
Rules 1 & 2 of CPC, documents and vakalatnama have been filed
by defendant no. 1.

The application of the plaintiff under Order 39 Rules 1 & 2
of CPC is taken up for consideration.

Ld. Counsel for the defendant no. 1 submits that she has
instructions from defendant no. 1 to state that the defendant no. 1
shall not create third party interest in property bearing no. R-38,
Inderpuri, New Delhi till pendency of the suit.

She submits that she has e-mailed this undertaking to the
Court.

A printout of the e-mail has been taken and is placed in the Court file.

In view of the submission of the Ld. Counsel for defendant no.1, the application under Order 39 Rules 1 & 2 r/w Section 151 CPC is allowed without prejudiced to the rights and contentions of defendant no. 1.

It is directed that till pendency of the suit, the defendant no. 1 will not create third party interest in property bearing no. R-38, Inderpuri, New Delhi till pendency of the suit.

Ld. Counsels for the plaintiffs submit that they will file replication.

Let replication be filed within 30 days from today after supplying advance copy to the Ld. Counsel for the defendant no.1.

Let affidavits of admission and denial of documents and proposed issues be filed by the next date of hearing after supplying advance copy to the opposite party atleast seven days prior to the next date of hearing.

Copy of this order be given dasti to the Ld. Counsels for the plaintiff as prayed for.

To come up for framing of issues on 05.05.2025.

(Shirish Aggarwal)
District Judge-03
Patiala House Courts, New Delhi
06.03.2025