

Civ Suit 1367/25

NEELAM AND ANR. Vs. ASHOK KUMAR AND ANR

23.07.2026

Present:- Sh. Ankit Jhamb, Ld. Counsel for the plaintiffs (through VC).
Sh. Pradeep Kumar, Ld. counsel for the defendant no.1 along with defendant no.1.
Ms. Meghna Nimbekar, Ld. Counsel for the defendant no.4 (through VC).
None for the defendant no.2 & 3.
Sh. Ravi Ranjan, Ld. counsel for the defendant no.5.

Ld. counsel for the plaintiff has submitted that he has no objection if the application of the defendant no.5 under Order VIII Rule 1 of Cpc is allowed.

Accordingly, **the application of the defendant no.5 under Order VIII Rule 1 of CPC is allowed and the delay in filing of WS by the defendant no.5 is condoned. The WS of the defendant no.5 is taken on record.**

WS not filed by the defendant no.2 & 3. Be awaited for appearance on behalf of the defendant no.2 & 3. The case shall now be taken up on the second call.

(Jitender)
Civil Judge-01 (Shahdara)
KKD Courts/23.07.2026

At 11.00 a.m.

Present:- Sh. Ankit Jhamb, Ld. Counsel for the plaintiffs (through VC).
Sh. Pradeep Kumar, Ld. counsel for the defendant no.1 along with defendant no.1.
Ms. Meghna Nimbekar, Ld. Counsel for the defendant no.4.

None for the defendant no.2 & 3.

Sh. Ravi Ranjan, Ld. counsel for the defendant no.5.

Arguments on the application under Order XXXIX Rule 1 & 2 of the CPC have been heard.

Submissions heard and record perused carefully.

Perusal of the record shows that the prayers of the plaintiff in the present application as well as the main suit vide prayer clause 4 & 5 are identical and therefore, allowing the present application would tantamount to a decree in the main suit without leading/proving of any evidence/case on the basis of a *prima facie* apprehension which is not permissible in law as held in MS Sancorp Confectionery Pvt. Ltd. & Anr. vs. M/s Gumlink A/S, 197 (2013) DLT 781. Also, since there is dispute which involves a mixed question of law and fact and therefore, requires leading of evidence and therefore, it is not desirable to grant any relief at this stage.

In view thereof, the application of the plaintiff under Order XXXIX Rule 1 & 2 of the CPC is hereby dismissed.

Be put up for completion of pleadings and framing of issues, on 27.08.2026.

(Jitender)
Civil Judge-01 (Shahdara)
KKD Courts/23.07.2026