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CS DJ No. 1004/23

JITENDER RANA Vs. JOHANNA MARCUS AND ANR.

16.12.2023

Present:- Sh. S.P Malik, Ld. Counsel for the plaintiff.
Ms. Agnes Iqbal, Ld. Counsel for the defendant no. 1 and 2
along with defendant no. 1.

WS to the amended plaint filed. The same has been taken on record. Copy is supplied.

Let the plaintiff file replication to the amended WS of the defendant within four weeks from today along with advance copy.

Affidavit of admission/denial of documents be filed by both the parties before the next date of hearing with advance copy to each other.

Arguments heard on the application under order 39 rule 1 and 2 CPC. Ld. counsel for the defendant no. 1 and 2 submits that the defendant no. 1 is willing to make a statement to the effect that she will not create any third party, right, title or interest and will maintain status quo with respect to the suit property.

Accordingly, the defendant is directed to maintain status quo with respect to the possession, right, title or interest with respect to the suit property till the disposing off the suit.

In the application under order 39 rule 1 and 2 CPC filed by the plaintiff, the plaintiff has also sought directions to the defendant no. 1 to deposit Rs.7,000/- rent per month with respect to the suit property. It is

the case of the defendant that an agreement dated 05.01.2022 was entered between the parties whereby the defendant has paid a lumpsum amount of Rs.7 Lakhs to the plaintiff for a period of 11 months, and the plaintiff was to earn interest upon that said 7 Lakhs and on the vacation of the property by the defendant, the said amount was to be returned.

The plaintiff in the present suit has not sought cancellation of agreement 05.01.2022 which he admits to have signed but claims that the same was not acted upon and the defendant broke into the suit property forcefully. In my considered opinion, there are no grounds to direct deposit of rent on the part of the defendant. The application is disposed of in the above terms.

List for further proceedings on **30.01.2024**.

(Jiten Mehra)
ADJ-10/Central/THC/Delhi.
16.12.2023