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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 446/2022**

RAVINDER SINGH Plaintiff
Through: Mr. Vijay Pal Singh, Mr. Sunil
Kumar, Mr. Yogesh Kumar,
Advocates.

versus

M/S J V MERCANTILE PRIVATE LIMITED Defendant
Through: None.

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

% **ORDER**
03.08.2022

I.A. 12179/2022 (exemption from filing certified copy of the annexures)

1. Allowed, subject to the petitioner curing the deficiencies referred to in the captioned application within four weeks from today.
2. Application is disposed of.

I.A. 12181/2022

3. This is an application seeking condonation of delay in re-filing the suit.
4. For the reasons stated in the application, the delay of 79 days in re-filing the suit is condoned.
5. Application is disposed of accordingly.



I.A. 12180/2022

6. This is an application under Section 151 CPC read with Order 38 Rule 5 CPC for attachment of the suit property.
7. Issue notice to the defendant.
8. Reply be filed within four weeks. Rejoinder thereto, if any, be filed within two weeks thereafter.

CS(OS) 446/2022

9. Let the plaint be registered as a suit.
10. Issue summons to the defendant through all modes including dasti upon filing of process fee.
11. The summons to the defendant shall indicate that a written statement to the plaint shall be positively filed within 30 days from the date of receipt of summons. Along with the written statement, the defendant shall also file an affidavit of admission/denial of the documents of the plaintiff, without which the written statement shall not be taken on record.
12. Liberty is given to the plaintiff to file a replication within 15 days of receipt of the written statement. Along with the replication, if any, filed by the plaintiff, an affidavit of admission/denial of the documents of the defendant, be filed by the plaintiff, without which the replication shall not be taken on record.
13. List before the Joint Registrar for marking of exhibits on 18.08.2022.
14. List before this Court on 13.12.2022.



I.A. 12178/2022

15. This is an application for stay on behalf of the plaintiff under Section 151 read with Order 39 Rules 1 and 2 CPC.

16. The present suit has been filed by the plaintiff for recovery of possession, declaration and permanent injunction with respect to property measuring 1 Bigha within Khasra No. 71/19 (min), Village Alipur, New Delhi (hereinafter referred to as 'suit property').

17. It is the case of the plaintiff that the suit property was mortgaged by defendant No. 1 and its directors with defendant No. 8 Bank and subsequently, possession of the suit property was taken over by the defendant No. 8 Bank with the help of the official receiver appointed by the Court.

18. It is submitted that the title deeds of the property in question was handed over to the plaintiff vide order dated 25.10.2013 passed by the learned Debt Recovery Tribunal-II, Delhi. Thus, the plaintiff has the exclusive possession over the suit property till the claim is not settled by the defendant No. 1.

19. It is submitted that the defendant No. 1 has already executed sale deed in favour of defendant No. 7 and it is apprehended that defendant No. 7 is going to create third party interest over the suit property.

20. Considering the averments made before this Court, a prima facie case is made out by the plaintiff.

21. In view of the aforesaid, let status quo be maintained with respect to the title and possession of the suit property i.e. property



measuring 1 Bigha within Khasra No. 71/19 (min), Village Alipur, New Delhi, till the next date of hearing.

22. Compliance affidavit under Order 39 Rule 3 CPC be filed within a week.

23. Issue notice to the defendant by all modes including *dasti* process.

24. Reply to this application be filed within four weeks from the service of the present order, along with the paper book.

25. List the application before this Court on 13.12.2022.

MINI PUSHKARNA, J

AUGUST 3, 2022

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