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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CS(OS) 766/2024**

SH AJAY KUMAR

.....Plaintiff

Through: Mr. Hemant Pathak, Advocate.

versus

SH KRISHAN BHAGWAN

.....Defendant

Through:

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

% **25.09.2024**

CS(OS) 766/2024

1. Let the plaint be registered as a Suit.
2. Issue summons to the Defendant, to be served through all permissible modes, including *Dasti*.
3. Written Statement be filed within a period of 30 days from the date of receipt of summons. Along with the Written Statement, the defendant shall also file the affidavit(s) of admission/denial of the documents of the plaintiff, without which the Written Statement shall not be taken on record.
4. Replication be filed within a period of 15 days of receipt of copy of the Written Statement(s). Along with the Replication, if any, filed by the plaintiff, the affidavit(s) of admission/denial of documents of the defendants is also to be filed by the plaintiff, without which the Replication shall not be taken on record.
5. If any of the parties wish to seek inspection of any documents, the



same shall be sought and given within the timelines.

6. List on 05.12.2024.

I.A. 40379/2024 (Stay)

7. This application has been filed by the Plaintiff seeking *ad-interim ex-parte* injunction restraining the Defendant, his associates, assigns, legal heirs, successors, nominees etc. from creating any kind of third party interest in respect of the suit property i.e. 1/18th share (area measuring 3 Bigha 18 Biswa) in 17 Bigha and 8 Biswas of AGRICULTURE LAND, OUT OF KHASRA NO.111 114 (4-16), 15(4-16), 16(4-16), 17(4-16), 5(4-8), 6(4-16), 12/ /20/1(2-10), 47/ /2/19 (0-2), 8//17(5-12), 18(2-12), 23(4-16), 24(4-16), 11/ /13/1(2-8), 3(4-16), 4(4-16), 7(4-16), 8(4-16) SITUATED IN THE REVENUE ESTATE OF VILLAGE SINGHU DELHI-110040.

8. Issue Notice.

9. Let the Notice be served on the Defendant through all permissible modes, including *dasti*.

10. Having considered the contents of the Plaint and the documents filed therewith, and also having heard the learned counsel for the parties/Plaintiff, this Court is of the opinion that the Plaintiff has been able to make out a good *prima facie* case in his favour. The balance of convenience is also in favour of the Plaintiff and against the Defendants. The Plaintiff is likely to suffer a grave irreparable injury in case an *ad interim ex-parte* injunction is not granted.

11. Accordingly, the parties to the Suit are directed to maintain the *status quo* with respect to the above mentioned suit property, till further orders.

12. Let reply to the application be filed by the Defendants within a period of four weeks of receipt of the notice. Rejoinder thereto, if any, be filed



within a period of three weeks thereafter.

13. List on 05.12.2024.

14. Compliance of Order XXXIX Rule 3 of the CPC be made within a week from today.

SUBRAMONIUM PRASAD, J

SEPTEMBER 25, 2024

Rahul