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

+ **CS(OS) 150/2017**

AZAM KHAN

..... Plaintiff

Through: Mr. I. Ahmed, Adv. for Mr. S.D.
Ansari, Adv. with plaintiff-in-person.

Versus

GUL MOHAMMAD & ORS

..... Defendants

Through: Mr. J.K. Bhola and Mr. Kshitiz
Aggarwal, Advs. for D-1,2,3 & 5 to 7.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **25.05.2018**

IA No.4968/2018 (of D-1 to 3 & 5 to 7 u/O VIII R-1 CPC)

1. The counsels have been heard.
2. While the counsel for the plaintiff states that there is a delay in filing written statement, the counsel for the applicants/defendants contends otherwise, drawing attention to the order dated 3rd November, 2017.
3. For the sake of expediency, the application is allowed without insisting on the applicants/defendants preferring Chamber Appeal against the order of the Joint Registrar closing right of applicants/defendants to file written statement and by recalling the said order of the Joint Registrar. The application is disposed of.

CS(OS) 150/2017 & IA No.4077/2017 (u/O XXXIX R-1&2 CPC)

4. The counsel for the defendants No.1 to 3 & 5 to 7 states that the Registry did not take the written statement on record, since it was filed beyond time but the written statement is ready.

CS(OS) 150/2017

Page 1 of 3



5. On the condition that the defendants files the written statement today itself, the written statement be taken on record.
 6. The counsel for the plaintiff states that advance copy of the written statement has not been received.
 7. Another copy of the written statement has been handed over to the counsel for the plaintiff who states that a replication is required to be filed.
 8. Replication be filed on or before 10th July, 2018.
 9. The parties to file affidavits of admission/denial of each other's documents before the next date of hearing.
 10. None appears for the defendant No.4 whose right to file written statement has already been closed.
 11. The defendant No.4 is proceeded against *ex-parte*.
 12. On enquiry, it is stated that of the two properties subject matter of the suit, the plaintiff is in possession of the ground floor of property No.2374, Gali Auliya, Kucha Chellan, Darya Ganj, Delhi and the defendants are in possession of the upper floors of the said property. Qua property No.2372 Gali Auliya, Kucha Chellan, Darya Ganj, Delhi, while the counsel for the plaintiff states that the said property is lying in a dilapidated condition and none can use the same, the counsel for the defendants states that the defendants are residing in the property.
 13. The counsel for the plaintiff at this stage states that the plaintiff is in possession of the entire property No.2372, Gali Auliya, Kucha Chellan, Darya Ganj, Delhi and it is so admitted by the defendants.
 14. The plaintiff as well as the defendants are restrained from alienating, encumbering or parting with possession of properties No.2372 & 2374, Gali
- CS(OS) 150/2017



Auliya, Kucha Chellan, Darya Ganj, Delhi and to maintain *status quo* as of today as recorded above, qua possession of both the properties.

15. IA No.4077/2017 is disposed of.

16. List before the Court on 10th October, 2018 for framing of issues, if any.

RAJIV SAHAI ENDLAW, J.

MAY 25, 2018

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