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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CS(OS) 2092/2013

CAPTAIN BHUPINDER KUMAR SURI Plaintiff

Through: Mr. Venancio D' Costa, Advocate with
Ms. Astha, Advocate.

versus

NARESH KUMAR SURI & ORS Defendants

Through: Mr. Aditya Vaibhav Singh, Advocate
and Ms. Varchana Taneja, Advocate for
defendant No.1 with defendant No.1 in
person.

Ms. Pankhi Harmilapi, Advocate for
defendants No.2 and 3.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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13.09.2018

I.A. 8442/2018 in CS(OS) 2092/2013

Present application has been filed by the plaintiff seeking deposit of rent of the Defence Colony property by defendant No.1.

Learned counsel for defendant No.1 points out that a similar application was disposed of vide order dated 15th February, 2017, as not pressed. He, however, states that the rent agreements executed with regard to the suit property by defendant No.1 after the death of father of the parties shall be filed in a sealed cover within a period of two weeks.

Keeping in view the aforesaid statement made by learned counsel for



defendant No.1, learned counsel for plaintiff does not wish to press the present application at this stage.

The statement made by learned counsel for defendant No.1 is accepted by this Court and defendant No.1 is held bound by the same.

Accordingly, the application stands disposed of.

I.A. 8582/2018 in CS(OS) 2092/2013

Present application has been filed by defendant No.2 stating that he has been dispossessed by defendants No.1 and 4 from the second floor of the suit property during the pendency of the present proceedings.

Learned counsel for defendant No.1 states that he has not dispossessed defendant No.2 and he is not in possession of the second floor of the suit property. He also admits that defendants No.2 and 4 were occupying the suit property on the date of institution of the suit. He, however, states that defendant No.2 had moved out from his portion of the second floor to Rohini in 2012.

Learned counsel for defendant No.2 states that her client had not given up the possession of the second floor and his goods were lying there.

A perusal of the file reveals that the learned Predecessor of this Court vide order dated 30th October, 2013 had granted status quo with regard to the title and possession of the suit property which was later confirmed on 10th July, 2014.

Since defendant No.4 has been proceeded ex parte in the present proceedings, the present application is disposed of with liberty to the applicant-defendant No.2 to file a contempt application.

CS(OS) 2092/2013

Learned counsel for defendant No.1 assures this Court that the cross-



examination of plaintiff (PW1) shall be concluded on the next date of hearing.

The Local Commissioner is directed to expedite the recording of evidence preferably on the day-to-day basis if possible.

List the matter before Court for monitoring of evidence on 12th December, 2018.

MANMOHAN, J

SEPTEMBER 13, 2018

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