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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 219/2017 & IA No.6184/2017**
SH. KAPTAN SINGH

..... Plaintiff

Through : Mr.Vinod Sehrawat, Advocate.

versus

SH. LAL CHAND & ORS

..... Defendants

Through : None.

CORAM:
HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER
% **06.07.2017**

It is submitted by the learned counsel for plaintiff that the deficient court fees has since been filed and placed on record.

The plaintiff claims to be 1/6th owner of the subject land which is admeasuring 7800 square yards falling in Mubarkpur Dabas, known as Vishal Enclave, Agar Nagar, Part-3, Delhi shown as red in the site plan. It is submitted that the defendant Nos.1 to 3 are his brothers and also have 1/6th share each in the subject land whereas defendant No.4 is the son of deceased brother namely Lakhi Ram; defendant Nos.5 & 6 are also the sons of late brother Nar Singh and they also have shares. It is also submitted that on 11.04.2017 when the plaintiff went to the subject land he saw defendant Nos.7 to 11 there trying to illegally encroach upon the land and raise the construction over it and even on earlier occasions they have been trying to raise the construction on the land and the plaintiff had filed a



complaint with the Commissioner of Police and the SHO, Aman Vihar, Delhi on 16.01.2017.

It is also submitted that in the year 2016 the plaintiffs and defendants had filed a Civil Suit No.8357/2016 for injunction before the Civil Judge, Rohini Courts, Delhi where the defendant No.7 herein had filed a written statement along with documents allegedly executed by defendant Nos.1 & 2 in respect of 2720 square yards, out of Khasra No.34/20, Mubarkpur Dabas, Delhi in favour of defendant No.8 whereas defendants No.1 and 2 had only an undivided share of 2600 square yards in the subject land.

It is submitted that defendant Nos.1 & 2 have no right to sell the undivided share or to raise construction over it.

Issue summons of the suit and notice of injunction application to the defendants by all modes on filing of PF/RC returnable before the Joint Registrar on 04.09.2017. In the meanwhile, the defendants are directed to maintain the status quo regarding the possession over the subject land till the next date of hearing. Compliance of Order 39 Rule 3 of the CPC be made within three days. Order *dasti*.

YOGESH KHANNA, J

JULY 06, 2017

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