

Civ Suit 667/22
Netram Singh Vs. Rakesh And Anr

20.07.2023

Present: Sh. Prabhanjan Jha and Ms. Archana, Ld. Counsels
for plaintiff with plaintiff.
Sh. Ajay Bharadwaj, Ld. Proxy Counsel for
defendant with defendant no. 1.

It is the case of the plaintiff that he is the owner of the suit property bearing number X 3/14, Street no. 2, Brahampuri, Delhi-53, measuring 53 sq feet. He is occupying ground floor of the suit property along with his younger son and first floor of the suit property is being occupied by defendant no. 1 and his family.

It is submitted that defendant no. 1 is a mere licensee being the elder son of the plaintiff and therefore, a decree of permanent injunction against defendant no. 1 restraining him from creating any third party interest in the peaceful occupation of the plaintiff as well as a decree of mandatory injunction demanding the defendant to vacate the suit property is prayed by way of the present suit.

In his WS, defendant no. 1 has stated that he has contributed in the construction of the suit property.

It is prayed that by way of the application under Order 39, Rule (1) and (2) CPC defendant no. 1 be restrained from causing any interference in the peaceful possession of the plaintiff and not to create any third party interest in the portion of the property i.e. first floor being occupied by him.

Proxy Counsel for defendant submits that he has no knowledge of the case and main counsel is in Hon'ble High

Court of Delhi.

Be that as it may, considering the record and the pleadings, to meet the ends of justices, at this stage, **it is ordered that defendant shall not create third party interest in the first floor of the suit property till next date of hearing.**

Last and final opportunity is granted to defendant to argue on application under Order 39, Rule (1) and (2) CPC on the next date of hearing.

Be put up for aforesaid purpose on **25.09.2023.**

Copy of this order be given dasti to both parties.

Tania Singh
ACJ-cum-ARC-cum-CCJ
North-East/Karkardooma Courts
Delhi/20.07.2023