

CIS No: CS-2144-2024

Veena v. Vimal Kumar

Present: Sh. Anup Gautam, Advocate for the plaintiff.

Suit received by way of entrustment. Report of reader seen. It be registered. Plaintiff submits that she was married to Ashwani Kumar in 1988 and out of wedlock three sons namely Karan Behal, Paras Behal and Nikhil Behal were born. She has placed on record birth certificate of eldest son Karan Behal and copy of aadhar card of youngest son Nikhil Behal on which it is mentioned that they are residents of suit property. Her daughter-in-law namely Payal is also resident of the suit property. Defendants are also residents of suit property and they have evil eye on entire suit property and they wants to dispossess the plaintiff from the suit property forcibly. Few days back, defendants tried to dispossess plaintiff forcibly from the suit property but with timely intervention of plaintiff, they could not succeed in doing so. Hence, the present suit.

In order to support, the plaintiff placed on record site plan, aadhar card of Veena, aadhar card of Nikhil Behal, aadhar card of Paras Behal, aadhar card of Karan Behal. Perusal of aadhar cards of all the aforesaid persons shows that they are resident of suit property. As per the averments mentioned in the plaint, defendants are trying to dispossess plaintiff from suit property illegally and forcibly to which they have no right. All the averments mentioned in the plaint are duly supported by way of an affidavit. Keeping in view the facts mentioned above, it is clear that it is important to protect the possession of plaintiff at this stage and defendants have no right to dispossess plaintiff forcibly except in due course of law. It shows that prima facie case is made out in favour of plaintiff and irreparable loss would be caused to plaintiff if they are not stopped. So, defendants are restrained

from dispossessing the plaintiff forcibly out of the suit property except in due course of law till next date of hearing. It is made clear that this order is subject to compliance of Order 39 Rule 3 CPC failing which stay granted stands automatically vacated. Notice to defendants be issued for 04.09.2024 on filing of PM/DF and copy of plaint. It is made clear that this order of mine shall have not bearing on **SARFEASI** proceedings, if any, pending against the suit property.

Date of Order: 07.08.2024
Ekta

(Shivani Garg)
Civil Judge (Junior Division)-6
UID NO . PB00529