

CS No. 307/20

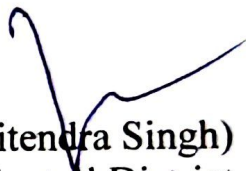
Namrata Bansal & Anr. Vs. Arjun Bansal & Ors.

25.07.2020

Present: Shri Dhruv Bhagat, Id. Counsel for plaintiffs (**presence secured through electronic mode**).

An affidavit alongwith tracking reports of speed post served on the defendants received through official court mail ID. Ahlmad is directed to file report as to whether any reply to the application under Order XXXIX Rule 1 and 2 CPC or presence of defendants has been filed through e-mail.

Put up at 2:00 PM.


(Jitendra Singh)
ADJ-06, Central District
THC, Delhi/25.07.2020

At 2:00 PM

Present: Shri Dhruv Bhagat, Id. Counsel for plaintiffs (**presence secured through electronic mode**).

Ahlmad informs through his report that neither any reply to the application under Order XXXIX Rule 1 and 2 CPC nor presence of defendants has been filed as of now.

ORDER ON APPLICATION UNDER ORDER XXXIX RULE 1 & 2 CPC:

1. The plaintiffs have moved an application under Order XXXIX Rule 1 & 2 CPC r/w Section 151 CPC for grant of temporary injunction against the defendants.

2. Brief facts, for the purpose of deciding the present application, are that the plaintiffs have filed the suit for possession alongwith permanent and mandatory injunction qua the shop bearing no. 9 situated at Ground Floor of 24, Sri Ram Road, Civil Lines, Delhi-110054 (hereinafter referred to as the 'suit property'). It is averred in the plaint that Mr. Uttam Kumar Bansal, the grandfather of the plaintiffs and defendants, was the owner of property bearing no. 24, Sri Ram Road, Civil Lines, Delhi-110054. It is further averred that Mr. Uttam Kumar Bansal had executed a Will dated 10.12.1999 vide which he had bequeathed all his movable and immovable property in favour of his four sons namely Vinod Kumar Bansal, Arjun Bansal, Ram Dev Bansal and Nand Kishore Bansal, equally with undivided share. The said Will was registered on 15.02.2000. It is further averred that as per the aforementioned Will, all the parties to the present suit are the undisputed owners to the ratio of 1/4th undivided share. It is further averred that the possession of the suit property (the shop bearing no. 9 at Ground Floor) was handed over to Ms. Rama Mahajan who was the daughter of Shri Uttam Kumar Bansal for her use in her lifetime by way of mutual consent and discussions within the beneficiaries. It was further decided that after her demise, the keys of the suit property will be returned back to all the beneficiaries by her legal heirs. In the year 2016, Ms. Rama Mahajan expired and the possession was required to be given back to the beneficiaries, however, Ms. Radhika Jethli and Ms. Priyanka Goel, the legal heirs of Ms. Rama Mahajan, retained the keys of the suit property and subsequently, it came to the knowledge of the plaintiffs that defendant no. 1 in conspiracy with Ms. Radhika Jethli and Ms. Priyanka Goel had taken illegal possession of the suit property and further defendant no. 1 had started renovated the said suit property by doing illegal construction.

3. It is further averred that defendant no. 1 is the owner of the suit property limited to 1/4th share and therefore, cannot carry out construction without the consent of the other co-owners.

4. During the course of arguments, it is submitted by ld. counsel that defendants no. 2, 3 and 4 are proforma defendants and therefore, the plaintiffs are not pressing any relief against them as mentioned in the paragraph no. 11 of the plaint. It is further submitted by ld. counsel that in the probate petition, defendant no. 1 has admitted the existence of the Will, vide which the plaintiffs are claiming their share, therefore, the plaintiffs are entitled to the temporary injunction.

5. Despite service of the summons through speed post, the defendants have failed to file any reply to the injunction application by way of electronic means or in the paper book form.


6. For the purpose of deciding the temporary injunction application, the plaintiffs are required to show that prima facie case, balance of convenience and irreparable loss existed in his favour. The existence of prime facie case in favour of the plaintiffs is reflected from the copy of the Will filed by the plaintiffs alongwith their plaint. The photographs showing the construction in the suit property clearly reveals that the balance of convenience also lies in favour of the plaintiffs and in case, the temporary injunction is not granted to the plaintiffs, irreparable loss may be caused to them.

7. In these circumstances, **the application under Order XXXIX Rule 1 & 2 CPC is allowed. The defendant no. 1, his representatives and attorneys are hereby restrained from carrying out any construction/renovation in the suit property and are also restrained from transferring, alienating, creating third party interest or parting with the possession of any portion of the suit property till disposal of the present suit.**

8. **Nothing stated hereinabove shall tentamount to expression of opinion on the merits of the case.**

Be listed for further proceedings on **23.10.2020**. The plaintiffs are directed to file the suit alongwith its annexures in physical form before the next date of hearing.

Copy of this order be provided to ld. counsel for plaintiffs through electronic mode.


(Jitendra Singh)
ADJ-06, Central District
THC, Delhi/25.07.2020

CS DJ No. 2134/17

M/s Harman Overseas V/s Ram Shri Enterprises

25.07.2020

Present: Shri Satvinder Singh, Id. counsel for plaintiff (**presence secured through electronic mode**).

None for defendant who is already ex-parte vide order dated 11.12.2019

Ahlmad informs that written arguments alongwith certificate of pleader's fee received through email. However, some clarifications are required.

Put up for clarifications on **29.07.2020 at 12.30 PM** through video conferencing.

(Jitendra Singh)
ADJ-06, Central District
THC, Delhi/25.07.2020

CS DJ/797/19
Shyama Devi
V/s
Qaiser Ibrahim and Ors.

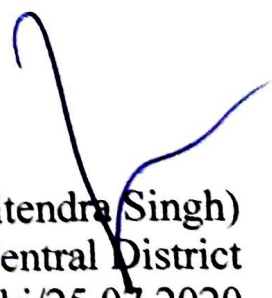
25.07.2020

Present: Shri Ombir Singh, ld. counsel for plaintiff (**presence secured through electronic mode**).

Shri Karun Shikha, ld. counsel for defendants (**presence secured through electronic mode**).

The matter is fixed for reply and arguments on the application under Order VII Rule 11 CPC filed on behalf of the defendants. However, the counsels for both the sides request for physical hearing. In view of the same, the matter stands adjourned.

Be listed for reply and arguments on the application under Order VII Rule 11 CPC on **05.12.2020**. Longer date is given as presently this court is dealing with more than 1900 cases.


(Jitendra Singh)
ADJ-06, Central District
THC, Delhi/25.07.2020

CS DJ/796/19
Lalit Madan and Anr.
V/s
Qaiser Ibrahim and Ors.

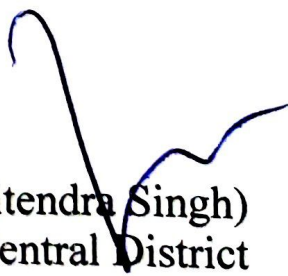
25.07.2020

Present: Shri Mayank, ld. counsel for plaintiff (**presence secured through electronic mode**).

Shri Karun Shikha, ld. counsel for defendants (**presence secured through electronic mode**).

The matter is fixed for reply and arguments on the application under Order VII Rule 11 CPC filed on behalf of the defendants. However, the counsels for both the sides request for physical hearing. In view of the same, the matter stands adjourned.

Be listed for reply and arguments on the application under Order VII Rule 11 CPC on **05.12.2020**. Longer date is given as presently this court is dealing with more than 1900 cases.


(Jitendra Singh)
ADJ-06, Central District
THC, Delhi/25.07.2020

CS DJ/795/19
Puran Singh
V/s
Qaiser Ibrahim and Ors.

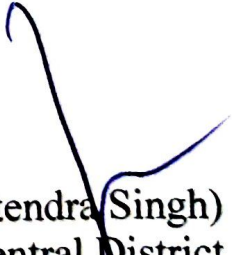
25.07.2020

Present: Shri Mayank, ld. counsel for plaintiff (**presence secured through electronic mode**).

Shri Karun Shikha, ld. counsel for defendants (**presence secured through electronic mode**).

The matter is fixed for reply and arguments on the application under Order VII Rule 11 CPC filed on behalf of the defendants. However, the counsels for both the sides request for physical hearing. In view of the same, the matter stands adjourned.

Be listed for reply and arguments on the application under Order VII Rule 11 CPC on **05.12.2020**. Longer date is given as presently this court is dealing with more than 1900 cases.


(Jitendra Singh)
ADJ-06, Central District
THC, Delhi/25.07.2020

CS DJ/616218/16
Aero Club
V/s
Simbu Shopping P. Ltd. Etc.


25.07.2020

Present: Shri Satish Yadav, AR for plaintiff (**presence secured through electronic mode**).
None for defendants.

The matter is fixed for reply and arguments on the application under Order VII Rule 11 CPC. However, the court staff informs that contact with ld. counsel for defendants could not be established. AR for the plaintiff requests for physical hearing.

In view of the above, **the matter stands adjourned and one more opportunity is granted to the plaintiff to file reply to the aforesaid application. Advance copy of the reply be supplied to ld. counsel for defendants 15 days before next date of hearing.**

Be listed for reply and arguments on the application under Order VII Rule 11 CPC on **05.12.2020**. Longer date is given as presently this court is dealing with more than 1900 cases.


(Jitendra Singh)
ADJ-06, Central District
THC, Delhi/25.07.2020

CS DJ/1906/18
Gobind Singh
V/s
Harwant Singh and another

25.07.2020

Present: Ms. Karuna, ld. counsel for plaintiff (**presence secured through electronic mode**).

Shri Praveen Kumar, ld. counsel for D-1 (**presence secured through electronic mode**).

D-2 already ex-parte.

The matter is fixed for replication, if any, admission-denial of documents and framing of issues.

Ld. counsel for D-1 submits that D-1 has expired. Ld. counsel for plaintiff requests for an adjournment. In view of the same, the matter stands adjourned.

The plaintiff is at liberty to file application for impleadment within the statutory period.

Be listed for further proceedings on **05.12.2020**. Longer date is given as presently this court is dealing with more than 1900 cases.

(Jitendra Singh)
ADJ-06, Central District
THC, Delhi/25.07.2020