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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CS(OS) 630/2017

SMT. MANINDER KAUR

..... Plaintiff

Through: None.

versus

MANJIT SINGH

..... Defendant

Through

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% **06.03.2018**

1. The subject suit was filed seeking reliefs of declaration, partition and permanent injunction. Since on reading of the suit plaint, the reliefs as prayed for could not be granted, accordingly when the suit came up for the first time on 24.11.2017, counsel for the plaintiff restricted the prayer in the suit for the plaintiff not being dispossessed without due process of law from the property bearing no. H-237, Vikas Puri, New Delhi.

2. This order dated 24.11.2017 reads as under:-

“I.A. No. 13851/2017 (for exemption)

1. Exemption allowed, subject to all just exceptions.

The application stands disposed of.

CS(OS) 630/2017 and I.A. No. 13850/2017 (under Order 39 Rules 1 and 2)

2. Learned counsel for the plaintiff argues that the subject suit

is not pressed in terms of the causes of actions and reliefs prayed in the suit but this suit is only prayed as the suit for injunction to restrain the defendant from dispossessing the appellant without due process of law from the property H-237, Vikas Puri, New Delhi, of which the plaintiff is in physical possession.

3. Let plaintiff file amended plaint within one week from today restricting the suit to a suit for injunction against being dispossessed without due process of law from the aforesaid Vikas Puri property.

4. Let summons in the suit and notices in I.A. be issued to the defendant on filing of process fee both in the ordinary method as well as by registered AD post, returnable on 6th March, 2018.

5. Till further orders unless varied by the Court defendant is restrained from dispossessing the plaintiff from the property H-237, Vikas Puri, New Delhi, except in accordance with law.

6. Plaintiff will comply with the provision of Order 39 Rule 3 of Code of Civil Procedure, 1908 (CPC) within a week.

7. *Dasti*.

3. It is noted that plaintiff has not filed any amended plaint as required in terms of the order dated 24.11.2017. No one also appears for the plaintiff.

4. Suit is therefore dismissed in default and for non-prosecution.

Let no application for restoration/recall of this order be entertained unless costs of Rs.10,000/- are first deposited with the website www.bharatkeveer.gov.in.

VALMIKI J. MEHTA, J

MARCH 06, 2018/Ne