**REPLY OF THE DEFENDANT TO THE APPLICATION OF THE PLAINTIFF UNDER SECTION 151 OF C.P.C.**

IN THE COURT OF.

............................................................... Plaintiff

*Versus*

............................................................... Defendants

Sir,

The defendants respectfully submits as follows:

1. Para 1 of the application is not denied.

2. Para 2 of the application as stated is wrong and is denied. Even the counsel for the plaintiff are not available for arguing the matter on the application under Order 39 Rules 1 & 2 as the Advocate are on strike.

3. Para 3 of the application as stated is wrong and is denied. It is denied that the Baillif of the court directed the plaintiff to handover the possession of the suit premises to the defendants without any reason. In fact, the Baillif of the court demanded the possession under the execution filed by the defendants against the plaintiff in the court of................... It is false to allege that the plaintiff has no knowledge about the execution proceedings and has not been served with any notice of the court in the execution proceedings. In fact, the plaintiff had been served in the execution and the plaintiff filed the objections before the Court of.................. which objections were dismissed and even in the plaint filed before this Hon’ble Court the said fact has be admitted that the execution was filed by the defendants against the plaintiff.

4. Para 4 of the application is wrong and is denied. It is denied that the defendants are trying to take the possession of the suit premises by playing fraud and tacticts before the Court of.................. Delhi while the plaintiff has filed a suit for permanent injunction along with application under Order 39 Rules 1 & 2 read with Section 151 C. P. C.

5. Para 5 of the application is wrong and is denied. As the plaintiff did not deliver the possession to the defendants when the Baillif of the court demanded possession in warrants of execution issued by the Court of.................. and the plaintiff closed the doors of the disputed premises and there was likelihood of breach of peace and commission of cognizable offence, so the baillif of the court made a report on   
the warrants of possession to the effect that the warrants of possession cannot be executed without breaking open looks and shutters and without necessary police help. The defendants moved an application for grant of police aid and for permission to break open the locks and shutters before the Court of Shri................... and the Court of................... Delhi has ordered that the said application will be heard on when the case is fixed and thereafter the evidence will be recorded on the said application on the date to be fixed by the said Court. As such, there is no question of any irreparable loss and injury to the plaintiff as there are no likelihood of warrants being issued in near future atleast in the months of..................

6. Para 6 of the application is wrong and is denied.

7. Para 7 of the application is wrong and is denied.

8. Para 8 of the application is wrong and is denied.

Prayer clause is denied. The application under Order 39 Rules 1 & 2 C. P. C. is still pending, so the present application is misconceived and is not maintainable in law. No relief can be granted in the present application The present application is liable to be dismissed. It is, therefore, prayed that the present application may be dismissed with costs. Any other relief that this Hon’ble Court deems fit may also be granted to the defendants.

Delhi Defendants

Dated: Through Advocate

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