

CS No.144/21

**Ravinder Kaur Through Its Spa Sh. Ajay Aggarwal
Vs. Chanda**

11.07.2022

Present: Sh. Shubham Aggarwal Ld. Counsel for plaintiff.
Sh. Arvind Nagar Ld. Counsel for defendant.

No documents filed.

Heard on framing of issues. On the pleadings of the parties and material on record, following issues are framed:-

1. Whether the defendant had become owner of the suit property i.e. ground floor and first floor in property no. XV/3622-34, Dariba Pan, Paharganj, as shown in the site plan, by virtue of adverse possession as claimed in preliminary objection no. 5 and other parts of the written statement? OPD.
2. Whether the suit of the plaintiff is barred by virtue of order 2 rule 2 CPC as claimed in paragraph 2 of preliminary objection in written statement? OPD.
3. Whether the suit of the plaintiff is barred by virtue of order 9 rule 9 CPC as claimed in paragraph 4 of preliminary objection in written statement? OPD.
4. Whether the suit of the plaintiff is barred by virtue of Sec.11 CPC as claimed in paragraph 6 of preliminary objection in written statement? OPD.
5. Whether the suit of the plaintiff is time barred? OPD.

6. Whether the plaintiff is entitled for the decree of possession of suit property i.e. ground floor and first floor in property no. XV/3622-34, Dariba Pan, Paharganj, as shown in the site plan, as prayed in prayer paragraph (a)? OPP.
7. Whether the plaintiff is entitled for the decree of of perpetual injunction with respect to suit property i.e. ground floor and first floor in property no. XV/3622-34, Dariba Pan, Paharganj, as shown in the site plan, as prayed in prayer paragraph (b)? OPP.
8. Whether the plaintiff is entitled for mesne profits @ Rs.10,000/- per month w.e.f. February 2020, or at any other rate, as prayed in prayer paragraph (c)? OPP.
9. Relief?

No other issue pressed or claimed by the parties or arises from the pleadings.

From the perusal of record, it is the defendant who has claimed himself to be the owner by virtue of adverse possession, so the defendant is directed to lead its evidence first.

Put up for filing affidavits of DWs on 29.08.2022. Parties are directed that the evidence of the private witnesses shall be led by way of affidavit. As far as public witnesses are concerned, their evidence will be led in terms of directions given by the court when

their depositions are required. Advance copy of the affidavit/s be provided to defendant a week prior to NDOH. List of witnesses by parties be filed within 15 days.

(Rakesh Pandit)
ADJ-09/Central/THC/Delhi
11.07.2022