

24.04.2026

Present : Sh. S.S. Nizami, Ld. Counsel for plaintiff alongwith plaintiff in person.
Sh. M. Mohtram, Ld. Counsel for defendants no.1 to 6.
Sh. Madan Sagar, Ld. Counsel for MCD.

Proposed issues are filed along-with affidavit of admission/denial in respect of photographs filed by the plaintiff.

The seven photographs of the demolished property are admitted on affidavit by the defendant. Let appropriate exhibit numbers be given to the documents admitted by the defendant. Same are exhibited as follows:

S. No.	Documents	Ex. No.
1.	Seven photographs of the demolished suit property	Ex. P1 (colly)

Heard on the aspect of framing of issues. Ld. Counsel for the plaintiff submitted that in view of the report of MCD, prayer clause c has been rendered infructuous.

Ld. counsel for MCD submitted that as prayer clause c that pertained to MCD has been rendered infructuous and MCD has already taken the action as per law, the presence of the MCD as defendant no.10 is no longer required for no relief has been claimed against defendant no.10 other than the now deleted prayer clause c.

Ld. Counsel for the plaintiff submitted that he has no objection if defendant no.10 MCD is deleted from the array of

parties.

Heard.

The plaintiff under the present suit by way of prayer clause 'c' sought permanent injunction against Sub-Registrar I, Kashmere Gate, as well as against defendant no.10 MCD not to allow defendant no.1 to 9 to raise any further unauthorized and illegal construction in respect of portions of the suit property described as bearing no.4754, Ahata Kidara, Pahari Dhiraj, Delhi-110006. During the course of the proceedings, on 8.7.2025, it was informed by Ld. Counsel for the defendant MCD that demolition order on 5.12.2024 has already been passed in respect of the suit property and only part demolition had taken place till then. In such circumstances, the concerned official was directed to produce the relevant records.

In pursuance, on 18.7.2025, status report in respect of suit property was filed by MCD. Further report was called from Commissioner MCD along the lines as detailed in order dated 25.7.2025 and further status report along-with annexures came to be filed by MCD on 4.8.2025 which was permitted to be withdrawn with permission to file fresh report on 6.8.2025 and the fresh status report was filed on 25.8.2025.

It appears that plaintiff earlier had filed an application u/o VI Rule 17 r/w application u/sec. 151 CPC r/w Order I rule 10 CPC which was disposed of on 11.9.2025, seeking leave to withdraw prayer clause 'd' for mandatory injunction in the form of direction to the MCD to take appropriate action and remove illegal construction which proposed amendment was allowed, the amended plaint in pursuance was filed on 10.10.2025.

The final Status report has been filed in respect of the suit property on 4.12.2025 by the MCD.

The plaintiff is satisfied with the action taken by the MCD in view of the various status reports filed by MCD from time to time during the pendency of the proceedings and in pursuance has given up the relief claimed under prayer clause “c” as infructuous. The only relief claimed under the amended plaint qua defendant no.10 MCD having been rendered redundant in the wake of action taken by MCD during the pendency of the present proceedings. As no relief is being claimed and no cause subsists against defendant no.10 MCD, defendant no.10 MCD is neither a necessary nor a proper party in the present proceedings, and is accordingly ordered to be deleted.

Amended memo of parties to be filed before the next date of hearing.

Pleadings are complete. Admission-denial is also concluded. From the pleadings of the parties and documents relied, following issues are settled for adjudication:-

(i) Whether the plaintiff is entitled to a decree of declaration in favour of the plaintiff and against the defendants thereby declaring sale deed dated 20.4.2023 executed in favour of defendant no.9 by defendants no.1 to 5 as null & void and not binding upon rights of plaintiff in respect of suit property described as bearing no.4754, Ahata Kidara, Pahari Dhiraj, Sadar Bazar, Delhi-06 as shown in red colour in the site plan annexed with the plaint?OPP

In the alternative,

(ii) Whether the plaintiff is entitled to recover from defendants no.1 to 9, jointly and severally, an amount of Rs.27,40,000/- towards the amount spent by the plaintiff in respect of the suit

property? OPP

(iii) Whether the plaintiff is entitled to a decree of permanent injunction in favour of the plaintiff and against the defendants thereby restraining defendants no.1 to 9 from creating any third party rights or parting with possession or alienating any part/portion of the suit property described as above? OPP

(iv) Whether the plaintiff is entitled to a decree of permanent injunction in favour of the plaintiff and against the defendants thereby restraining the defendants no.1 to 9 from forcibly dispossessing the plaintiff from the portions of the suit property as shown in green colour in the site plan except in accordance with law? OPP

(v) Whether the suit of the plaintiff is barred by limitation? OPD

(vi) Whether the suit of the plaintiff is without any cause of action qua defendants no.1 to 9? OPD

(vii) Whether the plaintiff himself has not complied with the terms and conditions of the collaboration agreement dated 30.1.2015? OPD

(viii) Whether the suit of the plaintiff is not properly valued for the purposes of court fees and jurisdiction? OPD

(ix) Relief.

No other issue arises nor is pressed.

For plaintiff's evidence, put up on **21.05.2026**. List of witnesses be filed within 15 days. Evidence affidavit of witnesses be filed atleast one week in advance with copy served on the opposite side and proof of service filed in Court.

(Neelofer Abida Perveen)

District Judge (Commercial Court)-01

Central District/THC/Delhi/24.04.2026