

CS No. 1812/16 (new)

Mohd. Irfan etc. vs Shehzad Ahmed etc.

27.01.2016

Pr: Both the plaintiffs are in person alongwith Ld. Counsel Mr. Subhash Chand.

Mr. M.K. Sethi, Ld. Counsel for defendant No.1 and 3 alongwith defendant No.1 in person.

Defendant No.2 is also present alongwith Ld. Counsel Mr.V.K. Singh.

Replication to the written statement of defendant No.1,2 and 3 has been filed. Copy supplied.

There are no documents for admission-denial.

On the pleadings of the parties, following issues are settled for trial:-

- (1) Whether the suit is bad for want of cause of action? OPD.
- (2) Whether the suit filed by the plaintiffs is frivolous and vexatious as claimed by the defendant? OPD.
- (3) Whether the plaintiffs have not approached the court with clean hands? OPD.
- (4) Whether the present suit has been filed by the plaintiffs in collusion with defendants to grab the property? OPD.
- (5) Whether the plaintiffs are entitled for a decree of declaration declaring documents of the defendant No.1 (i.e. agreement to sell, receipt, possession letter, will deed and GPA all dated 06.04.2011 in respect of the suit property bearing No. 15/210, Trilok Puri, Delhi-110091), as illegal, null and void being fraudulent, fabricated, and

manipulated without consideration and cancel the same? OPP.

(6) Whether the plaintiffs are entitled for a decree of declaration that the receipt dated 20.04.2010 of the defendant No.1 is illegal, null and void being forged, fraudulent and fabricated? OPP.

(7) Whether the plaintiffs are entitled for a decree of declaration that the alleged documents of defendant No.2 with regard to agreement to sell, receipt, possession letter, deed of will all undated of June 2011 and alleged registered undated IGPA of June 2011 are illegal, null and void being collusive, fraudulent, fabricated, sham and without consideration? OPP.

(8) Whether the plaintiffs are entitled for a direction to remove their goods and belongings i.e. cable gadgets from the room at first floor and dish antenna from the roof of the top floor of the suit property? OPP.

(9) Whether the plaintiffs are entitled for mandatory injunction thereby directing the defendants to return the entire chain of original documents of the suit property in favour of the plaintiffs which was given to defendant No.1 on 12.09.2009 including titled documents of the plaintiffs i.e. agreement to sell, GPA, two receipts, affidavit and will all dated 11.10.1993 notarized on 16.02.1993? OPP.

(10) Whether the plaintiffs are entitled for a decree of permanent injunction from dispossessing the plaintiffs from the suit property? OPP.

(11) Whether the plaintiffs are entitled for a decree of permanent injunction against the defendants restraining them from signing or executing any document of sale or transfer, alienating or likewise nature etc. in respect of the suit property? OPP.

(12) Whether the plaintiffs are entitled for a direction to the defendants to jointly and severally pay the damages / mesne profits of Rs.1000/- to the plaintiffs for their unlawful use of suit property? OPP.

(13) Whether the plaintiffs are entitled for direction to the defendants to pay pendente lite and future damages / mesne profits @ Rs.10,000/- per month for their unauthorized and illegal use of the suit property? OPP.

(14) Relief.

No other issue arises or is pressed for.

Put up for PE for 28.04.2016. Affidavits in evidence of the witnesses alongwith list of witnesses be filed by the plaintiff within 15 days from today with advance copy to Ld.Counsel for the defendants.

(Nisha Saxena)

ADJ-03(E):KKD

Delhi/27.01.2016

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