

01.02.2023

Pr: Sh. Rajeshwar Singh, counsel for plaintiff with plaintiff.

Sh. Ankit Gupta, brother of the defendant.

It is submitted by Id. Counsel for plaintiff that an application under Order VIII Rule 10 read with section 151 of CPC was filed on behalf of plaintiff on 18.10.2022 praying that judgment be pronounced in the present suit and rights of the defendant to file WS be closed and defence be struck off as the defendant even after statutory period of 30 days and extended period of 90 days has not filed the Written Statement.

It is further submitted by Id. Counsel for plaintiff even till date written statement has not been filed by the defendant.

Heard. Record Perused and considered.

Defendant appeared before this court, through his counsel on 20.06.2022. Thereafter many opportunities were granted to the defendant to file WS. On 17.09.2022 ten days time was granted to the defendant to file WS but the defendant has not filed WS till date. It is pertinent to note that on 17.09.2022 an application was filed on behalf of defendant for grant of thirty days time to file WS and counter claim but said application was dismissed and however, ten days time was granted to the defendant to file WS. However, even after expiry of ten days time and further thirty days as sought by the defendant, no WS has been filed. Even today WS on behalf of defendant has not been filed.

In view of the same, right to file WS on behalf of defendant is closed and his defence is struck off. *The application is accordingly disposed off.*

Pleadings are complete. The following issues are hereby framed.

ISSUES

- 1. Whether the plaintiff is entitled to a decree for possession thereby directing the defendant to vacate and handover the actual vacant and peaceful, physical possession of the suit property bearing No. J-80A, Ground Floor, Pandav Nagar, Delhi-92 as claimed for? OPP***

- 2. Whether the plaintiff is entitled to a decree of damages/use and occupation charges w.e.f June 2022 till vacation of the suit property as claimed for? OPP***

- 3. Whether the plaintiff is entitled to a decree of permanent injunction as prayed for? OPP***

- 4. Relief.***

No other issue arises nor pressed for nor onus of proof objected to. Both the sides to file their list of witnesses within 15 days from today. Plaintiff to file his evidence by way of affidavit with advance copy to the opposite side.

Put up for PE on 23.03.2023.

Rajesh Kumar
ADJ-03(East)
KKD Courts-01.02.2023