

CS 529/21
PRINCE SHARMA
Vs.
VIJAY KUMAR

06.06.2026

Present : Mr. D.K. Singh, Ld. counsel for plaintiffs along-with the plaintiff no.2.
Mr. J.K. Sinha, Ld. LAC for defendant along-with the defendant.

Arguments heard on the application u/O VII Rule 11 (a), (b) and 11 (d) CPC seeking rejection of plaint.

As per the case of plaintiffs, the collaboration agreement dated 25.06.2019 executed between the plaintiffs and the defendant and in pursuant to the said collaboration agreement, plaintiffs have already completed the 90% of construction work in the property in question, however, defendant is not coming forward to comply the terms and conditions of said collaboration agreement.

A perusal of the plaint shows that the same discloses the cause of action. Ld. counsel for the defendant also argued that the plaintiff has not impleaded MCD in the present suit, therefore the plaint is liable to be rejected u/O VII Rule 11 CPC.

I do not agree with the contentions of Ld. counsel for the defendant as Order I Rule 9 CPC specifically provides that no suit shall be defeated by reason of misjoinder or non-joinder of parties and the Court may in every suit deals with the matter in controversy in respect of rights of the parties present

before it.

In view thereof, the aforesaid application is dismissed being devoid of merits.

Pleadings stated to be completed and from the pleadings of the parties, following issues are hereby framed:-

- a) **Whether the plaintiffs are entitled for a decree of specific performance of collaboration agreement dated 25.06.2019 thereby directing the defendant to execute the sale deed of three flats (two flats on second floor, each admeasuring 53.25 sq. yds. and third flat on back side of third floor), total admeasuring 106.5 sq. yds., out of Khasra No. 1253/928/512, situated at Abadi of South Ganesh Nagar, Village Mandawali Fazalpur, Delhi, as prayed for? OPP**
- b) **Whether the plaintiffs are entitled for a decree of permanent injunction thereby restraining the defendant from creating any third party interest or from selling out the share of plaintiffs in the suit property, as per collaboration agreement dated 25.06.2019, as prayed for? OPP**
- c) **Whether the plaintiffs have not complied the terms and conditions of the collaboration agreement dated 25.06.2019 and delayed the construction of suit property? OPD**

d) Whether the plaintiffs have violated the terms and conditions of the collaboration agreement dated 25.06.2019 by raising the construction of suit property without taking any sanction plan/ letter from the concerned Municipal Authority? OPD

e) Whether the plaintiffs have not used the material specified in the collaboration agreement dated 25.06.2019 for construction of suit property? OPD

f) Relief.

No other issue arises or pressed for.

Put up for PE on 30.07.2026. Let list of witnesses be filed by both the parties within stipulated period. Affidavits of evidence of all plaintiff's witnesses be filed within six weeks from today with advance copy to Ld. counsel for defendant.

(Hem Singh)
District Judge-01
(East)/KKD/Delhi/06.06.2026