

CS No.1285/17
Rajesh Kumar Bhardwaj Vs. Ashutosh Srivastava
&
Counter Claim No.41/21
Ashutosh Srivastava Vs. Rajesh Kumar Bhardwaj

09.01.2025

Present : Mr. Kedar Goswamy, Ld. Counsel for the
plaintiff/counter-claimant alongwith
plaintiff/counter-claimant in person.
Mr. Rajender Vats, Ld. Counsel for the
defendant/respondent.

Ld. Counsel for the plaintiff/counter-claimant undertakes that cost imposed previously will be deposited by the next date of hearing.

Pleadings are complete.

From the pleadings, following issues are framed in the civil suit and also in the counter claim:-

ISSUES IN CIVIL SUIT:-

1. Whether the plaintiff is entitled to a decree of possession of property no. 1793/2 MIN, Village Rangpuri, Kohi, Vasant Kunj Enclave, Delhi? OPP
2. Whether the plaintiff is entitled to a decree of injunction restraining the defendant from creating third party interest in the said property? OPP
3. Whether the plaintiff is entitled to a decree for recovery of rent, damages and unpaid bills of Rs.5,28,120/-? OPP

4. Whether the plaintiff is entitled to recovery of mesne profits at the rate of Rs.75,000/- per month or at the rate determined by the Court w.e.f institution of the suit till possession is handed over to the plaintiff? OPP
5. Whether the suit is not maintainable for non-joinder of necessary parties i.e. M/s Stylon Clothing Pvt. Ltd. and M/s True Value Clothing? OPD
6. Relief.

ISSUES IN COUNTER-CLAIM:-

1. Whether the counter-claimant is entitled to a decree of declaration that the documents of ownership relied upon by the plaintiff i.e. agreement to sell, general power of attorney, Will, possession letter and receipt are null and void? OPD
2. Whether the counter-claimant is entitled to a decree of mandatory injunction directing the plaintiff to return the original chain of title documents with regard to the property in question? OPD
3. Whether the counter-claimant is entitled to a decree of injunction restraining the plaintiff and his representatives from creating third party interest in the property in question? OPD
5. Relief.

No other issue arises or pressed for.

Ld. Counsels submit that issue no. 5 framed in the civil suit can be decided as the preliminary issue since it does not involve mixed questions of facts.

In view of this submission, it is directed that issue no. 5 framed in the civil suit shall be decided as a preliminary issue.

To come up for arguments on the said issue on 21.05.2025.

(Shirish Aggarwal)
District Judge-03
Patiala House Courts, New Delhi
09.01.2025