

CS No. 1162/17

Sheetal Khurana Vs. Monica Mahajan

06.03.2019

Present: Ld. Counsel for the plaintiff.

Shri Ashish Aggarwal, Ld. Counsel for the defendant.

Written Statement to the counter claim already filed on record by plaintiff along application under Order 8 Rule 1 CPC for condonation of delay in filing written statement. It is submitted by Ld. Counsel for the defendant that while allowing his such application, cost was imposed upon him. In order to avoid further delay, he has no objection if this application is allowed subject to the same cost.

Heard both the sides and gone through the record.

In the present application, there is a delay of 101 days in filing written statement. However, in view of no objection given, present application is allowed subject to cost of Rs.6,000/- to be paid to the defendant.

Arguments heard on framing of issues.

Out of pleadings, following issues are identified-

ISSUES IN THE MAIN SUIT-

- 1. Whether plaintiff is entitled to a decree of possession against defendant with respect to suit property bearing no. A-25, Third Floor along with roof rights, Naraina Vihar, New Delhi as shown in red colour in the site plan? OPP.**
- 2. Whether plaintiff is entitled to recovery of Rs.2 lacs as arrears of rent and mesne profits against defendant? OPP.**
- 3. Whether plaintiff is entitled to interest on the above amount, if any, at what rate and for what duration? OPP.**
- 4. Whether plaintiff is entitled to a decree of perpetual injunction against the defendant thereby restraining the defendant from alienating, parting with**

possession or with possession of third party rights with respect to the suit property? OPP.

5. Whether plaintiff is entitled to cost of the suit ? OPP.

6. Whether the suit is properly valued for the purpose of Court fee? OPD.

7. Relief.

ISSUES IN THE COUNTER CLAIM-

1. Whether counter claimant is entitled to a declaration that the sale deed dated 08.04.2016 with respect to the suit property be declared as null and void? Onus on Counter Claimant/defendant.

2. Whether counter claimant is entitled to a declaration that the lease deed dated 08.04.2016 be declared as null and void? Onus on Counter Claimant/defendant.

3. Whether counter claimant is entitled to a declaration that the sale deed dated 27.03.2017 be declared as null and void? Onus on Counter Claimant/defendant.

4. Relief.

No other issue arises or pressed.

It is apprised to the parties that the matter will be sent to the LC for the purpose of recording of evidence.

Both parties shall file list of witnesses within two weeks.

Plaintiff to appear with affidavit of evidence with copy to the opposite party for the next date of hearing.

Put up for PE on **23.07.2019**.

(TWINKLE WADHWA)
ADJ-03/PHC/NEW DELHI
06.03.2019

