

04.06.2022.

Present: Ms. Amrita Mishra, learned counsel for plaintiff along with plaintiff.
Sh. Manish Gandhi, learned counsel for defendant no.1 along with defendant in person.
Sh.Hitesh Jain, learned proxy counsel for Sh. Pankaj Chauhan, learned counsel for defendant no.2.

Matter is fixed for remaining arguments on the applications of defendant no.1 under Order XIV Rule 5 r/w Sec. 151 CPC for modification of the issue no.8 framed vide order dated 11.04.2018 and under Order VIII Rule 1 r/w Sec. 151 CPC for permission to file the documents.

Remaining arguments on the aforesaid applications heard.
Record perused.

List for orders on the aforesaid applications during the course of the day.

MONA TARDI KERKETTA
ADJ01/NE/KKD/DELHI
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At 04.30 pm

Present : None.

It is observed that the documents filed alongwith the application under Order VIII Rule 1A r/w Sec. 151 CPC for permission to take the same on record are merely copy to copy of proposed documents and not certified ones. Therefore, the Court is not passing any order on the said application. **Defendant no.1 is given opportunity to file certified copies of proposed documents.**

So far as application under Order XIV Rule 5 r/w Section 151

CPC is concerned, during the course of arguments, Ld. Counsel for plaintiff conceded that Issue no. 8 needs to be amended but on the basis of factual materials available on record and in the following manner: -

Issue no.8: Whether the plaintiff entitled for a decree of declaration in respect of the unregistered sale deed dated 28.11.2013 later registered by court order dated 05.02.2015 as claimed in the plaint? OPP

Ld. Counsel for defendant no.1 agreed with the contentions of Ld. Counsel for plaintiff. This court is also of the view that Issue no. 8 needs to be amended as suggested by Ld. Counsel for plaintiff which otherwise is factually correct and also properly worded. In view of the aforesaid, the application of defendant no.1 under order XIV rule 5 r/w section 151 CPC is allowed and Issue No.8 is amended and reframed in the following manner: -

Issue No.8: Whether the plaintiff entitled for a decree of declaration in respect of the unregistered sale deed dated 28.11.2013 later registered by court order dated 05.02.2015 as claimed in the plaint? OPP.

List for further proceedings, on 12.10.2022.

MONA TARDI KERKETTA
ADJ01/NE/KKD/DELHI
04.06.2022