

10.08.2026

Present: Mohd. Humaid, Ld. Counsel for plaintiff with plaintiff  
Mr. Ld. Counsel for defendant with defendant.

1. Plaintiff is yet to file replication. It be filed as per law.
2. Perusal of pleadings show that plaintiff has set up a case claiming that he agreed to purchase a shop which admittedly is in the name of one Altaf Hasan (brother-in-law of defendant) and is stated to have paid a total sum of Rs. 21 lac claimed to have been paid in various installments.
3. Plaintiff does not specify when he started making payments in installments or till when the same was made. As per plaint, eventually, the said shop was sold to a third person and now, plaintiff wants recovery of the said sum of Rs. 21 lac from defendants.
4. Plaintiff has relied upon a written agreement dated 05.01.2022 claiming that defendant signed the said agreement whereby he undertook to pay a sum of Rs. 21 lac to plaintiff. Thus, plaintiff has sued the defendant for a sum of Rs. 21 lac with interest calculated thereupon.
5. A query was put to Counsel for plaintiff that if the shop was of Altaf Hasan and payment was made for purchase of the said shop, it has to be taken that the payment was made to Altaf

Hasan and thus, any recovery suit can only lie against Altaf Hasan (who admittedly is not a party to this suit).

6. To the said query, Counsel for plaintiff submitted that there is a written agreement duly signed by defendant which shows that the money was actually received by defendant only and thus, plaintiff's claim for recovery is maintainable in law.
7. Parties do not press for admission denial of documents.
8. Considering the above, based on pleadings, following issues are framed:
  - (i) **Whether the suit is bad for non-joinder of Altaf Hasan as a party to the suit? OPD.**
  - (ii) **Whether plaintiff paid a sum of Rs. 21 lac to defendant? If yes, its effect? OPP**
  - (iii) **Whether parties entered into a settlement agreement dated 05.01.2022? OPP.**
  - (iv) **Whether plaintiff is entitled to recovery of money as prayed for in prayer (a) of the plaint.? OPP**
  - (v) **Whether plaintiff is entitled to a decree of interest as prayed for in prayer (b) of the plaint? OPP**
9. No other issue arises from the pleadings of the parties or is pressed for.
10. Parties are directed to file their list of witnesses within 2 weeks from today. Plaintiff to file affidavit in evidence of all his witnesses at least 15 days prior to the next date of hearing with advance copy to the other side. List for PE on 26.11.2026.

Aashish Gupta  
DJ-01/NE/KKD/DELHI  
10.08.2026