

21.02.2023

Present: Sh Rakesh Chahar, ld. counsel for plaintiff.

Sh Kameshwar Mishra, ld. counsel for defendant.

Heard. Perused.

Fresh Vakalatnama filed on behalf of plaintiff. Same is taken on record.

Previous cost not paid.

It is stated by counsel for the plaintiff that he does not wish to file replication.

On the basis of above pleadings, following issues are framed:

1. Whether the plaintiff is entitled for the decree of declaration thereby declaring the plaintiff as the owner of suit property i.e. flat of 65 sq yards on 3rd Floor bearing no. 85-A and 86-A with roof rights, fitted with separate electric and water connection, with common entrance/passage and staircase, out of total area measuring 100 sq yards i.e. 83.61 mtr. Out of khasra no. 64 situated in area of village Azadpur, Colony known as Kewal Park, Ext. Azadpur, Delhi-33 (suit property), as prayed for? **OPP**
2. Whether the plaintiff is entitled for a decree of possession and permanent injunction against the defendant thereby restraining the defendant from creating any third party interest in the suit property of the abovesaid suit property, as prayed for ? **OPP**
3. Whether the suit is not maintainable against the defendant as there is no cause of action and is liable to be dismissed u/o VII Rule 11 CPC ? **OPD**

4. Relief.

No other issue arises or is pressed for by the parties.

Let list of witnesses alongwith affidavits of the witnesses be filed by both the parties within 15 days from today with advance copy to the opposite party.

Put up for PE on **09.05.2023**.

List of witness alongwith evidence affidavit of PWs be filed two weeks prior to the NDOH with advance copy to the opposite party.

Steps be taken for summoning of PWs.

(Surender Mohit Singh)
ADJ-04, North, Rohini Courts,
Delhi/21.02.2023