

VEENA AGGARWAL
Vs.
SATISH KUMAR GUPTA

12.09.2023

Present: Mr. Naveen Kumar, Ld. Counsel for the counter claimant
along with counter claimant in person.

Mr. A. K Upadhyay, Ld. Counsel for the non-counter
claimant.

ORDER

1. Evidence by way of affidavit of CCW1 along with list of witnesses filed on behalf of counter-claimant. Same is taken on record. Let copy of the same be supplied to the counsel for the non-counter claimant.

2. Ld. Counsel for the counter claimant has moved an application under Order 14 Rule 5 CPC for framing of additional issues on behalf of counter claimant. The counter claimant by way of the present application has prayed for framing of following issues:-

“a) Whether the said premises was vacated and handed over by the defendant to the plaintiff in the month of December 2014? OPD.

b) Whether the land in question was an agricultural land or not at the time of letting out the said property? OPD.

c) Whether the Sannoth Village was a rural village and provision of DLR Act was applicable in the village at the time of let out of the property? OPD

d) Whether the Sannoth Village was urbanised or not? OPD.

Contd.....

- e) Whether non-agricultural activities could have been allowed in rural village specifically in the khasara in question of the said plaint? OPD.*
- f) Whether plaintiff was using a part of the said premises for her own commercial purposes or not? OPD.*
- g) Whether the rent agreement in question which is not registered as per provisions of registration act can be taken on record as evidence? OPD.”*

3. On perusal of the order dated 23.05.2017 by way of which issues were framed, it is found that the issue no. 1 i.e. “*whether the suit of the plaintiff is not maintainable in view of the facts mentioned in the WS of the defendant ? OPD*”, covers issues (a) to (g), as these are the objections taken by the defendant in his WS. Therefore, there is no requirement to frame additional issues.

4. Issue no. (h) i.e. “*whether the rent agreement in question which is not registered as per provisions of Registration Act can be taken on record as evidence? OPD*”, is a legal issue for which court need not frame an issue. This legal proposition is a settled law.

5. Accordingly, the application under Order 14 Rule 5 CPC stands dismissed with a cost of Rs. 2,000/- to be paid to Army Welfare Fund.

6. Be put up for DE **04.12.2023**.

Shivali Bansal
ADJ-03, Rohini Courts
North District, Delhi
12.09.2023