

CS DJ 261/19
KAPIL GUPTA Vs. ARUN KUMAR AND ORS
26.08.2022.

Present: Ms. Ashu Singh, Ld. Counsel for plaintiff.
Sh. Ankit Aggarwal, proxy counsel for D-5.

Heard. Perused.

Replication filed on behalf of plaintiff. Copy
supplied.

Heard. Perused.

From the pleadings of the parties, following issues
arise and are framed:

1) Whether the plaintiff is entitled for
a decree of declaration and cancellation in
favour of the plaintiff and against the defendants,
their associates, attorney, officers, L.Rs, nominee,
assignee etc thereby declare that none of the
defendants are the owner of the suit property and
not entitle to entered into the transaction qua suit
property bearing no. 11, Pocket no. 6, Sector-25,
Rohini, Delhi as shown in the red colour in the
site plan and further declare that the documents as
mentioned in prayer are null and void-ab-initio,
non est and not enforceable being forged,
fabricated, and executed in fraudulent manner, as
prayed? **OPP**

2) Whether the plaintiff is entitled for a
decree of mandatory injunction in favour of the
plaintiff and against the defendants, their

associates, attorney, officers, L.RS, nominee, assignee etc thereby directing them to deposited all the forged paper qua suit property bearing no. 11, Pocket no. 6, Sector-25, Rohini, Delhi in the court and further same may be handed over to the plaintiff so that plaintiff may handover the same to the police/or in the criminal case likely to be filed against the defendants or in alternate same may be impounded and taken on record for further necessary action in accordance with law, as prayed? **OPP**

3) Whether the plaintiff is entitled for a decree of permanent injunction in favour of the plaintiff and against the defendants, their associates, attorney, officers, L.RS, nominee, assignee etc thereby directing them not to create any third party interest either by sale it out, mortgaged, sub-let, etc in the suit property bearing no. 11, Pocket no. 6, Sector-25, Rohini, Delhi more specifically shown in red colour in the site plan, as prayed?

OPP

4) Whether the plaintiff is entitled for a decree of damages for Rs. 44,51,000/- alongwith interest of @ 24% per annum from the date of filing the suit till actual recovery as well as future damages at the rate of Rs. 2000/- per day from filing the suit till its realization, as prayed?**OPP**

5) Whether the suit is not maintainable against the defendant no. 5 as no cause of action and is liable to be dismissed? **OPD5**

6) Whether the suit is also liable to be rejected u/o VII Rule 11(d) of the CPC being barred by Section 34 of the Securitization & Reconstruction of Financial Assets & Enforcement of Security Interest Act, 2002 & Section 18 of the Recovery of Debts and Bankruptcy Act, 1993? **OPD5**

7) Relief.

No other issue arises or pressed for.

List of witnesses be filed within 15 days. Advance copy of affidavits of witnesses, who are to be examined, be given to opposite side at least two weeks prior to NDOH.

Put up for PE on 07.12.2022.

(Surender Mohit Singh)
ADJ-04, North, Rohini Courts,
Delhi/26.08.2022