

CS DJ 213/22

HARI CHAND AND ORS. Vs. SATISH KUMAR

02.12.2022

Present: Sh. Rajat Narang, Ld. counsel for plaintiff alongwith plaintiff in person.

Sh. Ashok Kumar Mishra, Ld. counsel for defendant alongwith defendant in person.

Heard. Perused.

Reply to application u/o VII Rule 11 CPC not filed till date.

Last opportunity is granted to plaintiff to file the reply to aforesaid application on or before NDOH with advance copy to the opposite side.

Replications filed. Copy supplied.

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

1. Whether the plaintiff is entitled for the decree of possession in favour of the plaintiffs and against the defendant, thereby, directing the defendant herein to vacate the handover the actual, vacant and peaceful possession of the suit property i.e. Built-up/House bearing Khasra no. 23/18/47, Land area measuring 100 sq. yds, situated in Gram Sabha of village Mungeshpur, Delhi-110039, as prayed for? **OPP**
2. Whether the plaintiff is entitled for the decree of declaration in favour of the plaintiffs and against the defendants, thereby delcaring that the plaintiffs are the owners of the suit property i.e. Built-up/House bearing Khasra no. 23/18/47, Land area measuring 100 sq. yds, situated in Gram Sabha of village Mungeshpur, Delhi-110039, as prayed for? **OPP**

3. Whether the plaintiff is entitled for the decree of rendition of accounts in favour of the plaintiffs and against the defendants, thereby, directing the defendant to render the accounts of rent so realized by the defendant from the tenants/occupiers occupying the suit property i.e. Built-up/House bearing Khasra no. 23/18/47, Land area measuring 100 sq. yds, situated in Gram Sabha of village Mungeshpur, Delhi-110039, as prayed for? **OPP**

4. Whether the plaintiff is entitled for the decree of mandatory injunction in favour of the plaintiffs and against the defendants, thereby, directing the defendant herein to return the original documents of title in favour of Smt. Suresh Bala to the plaintiffs in respect of suit property i.e. Built-up/House bearing Khasra no. 23/18/47, Land area measuring 100 sq. yds, situated in Gram Sabha of village Mungeshpur, Delhi-110039, as prayed for? **OPP**

5. Whether the plaintiff is entitled for the decree of permanent injunction in favour of the plaintiffs and against the defendants, thereby, restraining the defendants, his agents, employees, associates, workers, officers//officials and the persons working on his behalf from selling, transferring, sub-letting, assigning and/or parting with the possession of the suit property in whole or in part and/or from causing any damage or substantial damages to the suit property i.e. Built-up/House bearing Khasra no. 23/18/47, Land area measuring 100 sq. yds, situated in Gram Sabha of village Mungeshpur, Delhi-110039, as prayed for? **OPP**

6. Whether the suit is not maintainable against the defendants as there is no cause of action and is liable to be dismissed? **OPD**

7. Relief.

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

Plaintiff is directed to file list of witnesses and evidence by way of affidavit within 15 days with advance copy to the opposite party.

Put up for reply/arguments on application u/o VII Rule 11 CPC as well as for PE on 21.04.2023.

(Surender Mohit Singh)
ADJ-04, North, Rohini Courts,
Delhi/02.12.2022