

CS DJ 119/20

**RANDHIR KR SALHAN Vs.
SUSHMA KHATRI AND ORS**

23.08.2022

Present: Sh. Vikas Aggarwal-Ld. counsel for the plaintiff.
Sh. Yuvraj-Ld. Counsel for the defendant no. 1.
Sh. Manak Goyal-Ld. Proxy Counsel for defendant no. 2 and
3.

Ld. counsel Sh. Yuvraj has filed vakalatnama on behalf
defendant no. 1.

No written statement has been filed on behalf of defendant no.
1. It is stated counsel for defendant no. 1 that written statement could not
be prepared as the documents annexed with the plaint were not legible.

Perusal of the record shows that defendant no. 1 was served
on 06.05.2022 for 23.07.2022. Immediately upon receipt of summons, if
the documents annexed with the plaint were not legible, defendant no. 1
could have come to the court with an application praying for supply of
legible copy of documents annexed with the plaint. Alternatively,
defendant no. 1 could have also approached counsel for the plaintiff whose
phone no. was mentioned in the plaint itself.

Defendant no. 1 having not acted diligently do not deserve
any indulgence from this court for an opportunity to file written statement.
Hence, right of the defendant no. 1 to file written statement stands closed
and her defence stands struck off.

Written statement on behalf of defendant no. 2 and 3 are
already on record.

Ld. counsel for the plaintiff submits that plaintiff do not wish to file replication to the written statement of defendant no. 2 and 3.

From the pleadings of the parties, following issues are framed:-

- 1. Whether Defendant no. 2 and 3 are bonafide purchaser of the suit property?OPD 2 and 3.**
- 2. Whether defendant no. 1 was authorized to sell the suit property to defendant no. 2 and 3?OPD 2 and 3.**
- 3. Whether plaintiff is entitled to decree of declaration as prayed for?OPP.**
- 4. Whether plaintiff is entitled to decree of possession as prayed for?OPP.**
- 5. Whether plaintiff is entitled to decree of recovery for a sum of Rs. 75,000/- as prayed for?OPP.**
- 6. Whether plaintiff is entitled to damages/mesne profits, if so, at what rate and for what period?OPP.**
- 7. Relief.**

No other issue arises nor pressed for.

List of witnesses be supplied to the other party at least fifteen days before the NDOH.

Put up for PE on **31.10.2022.**

Advanced copy of affidavit of witnesses be supplied to the other party at least fifteen days before the NDOH.

(Harish Kumar)
ADJ-02/ North/ Rohini Court
Delhi/23.08.2022