

22/12/2025

Present : Ms. Deepmala Kumari, Ld. Counsel for plaintiff
physically appeared.
Sh. Charanjeet, Ld. Counsel for plaintiff through VC.
Sh. S. R. Parashar, Ld. Counsel for defendant no. 1.
Defendants no. 2, 3 & 4 are already ex-parte vide
order dated 13/01/2025.

Admission-denial of documents have already been filed
by the parties.

The mediation between the parties has failed.

Pleadings are complete. Framing of issues is pressed for.

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

ISSUES

1. ***Whether the defendant had entered into Agreement to Sell dated 07/10/2023 with the plaintiff? OPP.***
2. ***Whether the plaintiff has been ready and willing to perform his part under Agreement to Sell dated 07/10/2023? OPP.***
3. ***Whether the plaintiff is entitled to specific performance of Agreement to Sell dated 07/10/2023? OPP.***
4. ***Whether the plaintiff is entitled to alternative relief of recovery of Rs. 28,16,000/- alongwith pendente lite and future interest (till realization) @ 12% per annum? OPP.***
5. ***Whether the plaintiff is entitled to permanent and mandatory injunction, as prayed for? OPP.***

6. *Whether the suit is not properly valued for the purposes of Court fees? OPD – 1.*

7. *Whether the suit is not within the pecuniary jurisdiction of this Court? OPD – 1.*

8. *Relief.*

No other issues arise or are pressed for by the parties.

Ld. Counsel for plaintiff presses her application under Order 39 Rule 1 & 2 CPC dated 29/07/2024 and states that defendant no. 1 be ordered not to create any third party interest in the suit property.

Ld. Counsel for defendant states that they will not create any third party interest in the suit property. Further, they do not want to construct anything on the suit property.

Heard. File perused.

It is necessary to preserve the suit property during pendency of the case, as the suit is for specific performance. There is no objection regarding creation of third party interest or raising construction in the suit property. The application dated 29/07/2024 is disposed off with direction to defendant no. 1 not to create any third party interest in the suit property or to raise any construction.

Now, to come up for PE by way of affidavit with advance copy to Counsel opposite, atleast a week before the next date of hearing on **13/04/2026**. List of witnesses be filed within 15 days.

(VIKRAM BALI)
DISTRICT JUDGE-02/NORTH/ROHINI
DELHI/22/12/2025