

CS No. 702/17

19.12.2018

Present : None.

Be awaited.

(Manish Gupta)
ADJ-4(NW): Rohini Courts:Delhi
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Present : Plaintiff in person with Shri Akhil Sacchar, counsel for the plaintiff.

Shri M.K. Sharma, counsel for the defendant with defendant.

Fresh vakalatnama filed on behalf of plaintiff.

Admission/denial of documents carried out. The plaintiff has produced original documents. Counsel for the plaintiff submits that copies are already on record (original seen and returned). Defendant as well as counsel for the defendant have perused the original documents and thereafter admission/ denial of documents has been carried out.

Both the counsels pray that since pleadings are complete, therefore, issues may be framed.

On the basis of the pleading of the parties, the following issues are hereby framed:-

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1. Whether the plaintiff is entitled for the decree of recovery of possession as prayed for? OPP
2. Whether the plaintiff is entitled for the decree of recovery of Rs. 5,95,000/- (Rupees Five Lacs and Ninety Five Thousand Only) being arrears of licence fee with interest as prayed for? OPP
3. Whether the plaintiff is entitled for the decree of mesne profits/damages alongwith interest as prayed for? OPP
4. Relief.

No other issue is pressed or arises.

Counsel for the defendant has specifically submitted that no other issue is required to be framed. Put up for P.E. by way of affidavit on 22.04.2019 with advance copy to other party at least one week before the next date. Also for consideration of interim application as prayed.

Parties are directed to file original documents and list of witnesses on record within 15 days from today alongwith spare copy for other party.

At this stage both parties submit that the application under O 39 R 1 & 2 CPC may be considered today itself.

Heard on the said application. This is a suit for possession and mesne profits. The defendant as well as counsel for the defendant submit

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that the defendant shall not create any third party right, title or interest in the suit property or part with the possession of the suit property during the pendency of this suit. Defendant is ready to make a statement to this effect.

Separate statement of defendant recorded today on oath in this respect. Defendant shall remain bound by her statement. The defendant shall not create any third party right, title or interest in the suit property or part with the possession of the suit property during the pendency of this suit. This order is without prejudice to the respective rights and contentions of both the parties on merits. Application under consideration stands disposed off accordingly.

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