

02.02.2021

Present: Sh. Subhash Chander, Ld. Counsel for plaintiff.

Defendant in person.

In compliance with the direction issued by the Hon'ble High court of Delhi, conveyed through Judl./Circular/F.43/South East/Saket/2020/1899-1975 dated 30.01.2021 wherein it has been directed that the court shall take up all the cases of the cause list through physical hearing as per duty roaster, hence the matter is taken up today through physical hearing.

Pleadings are complete. From the pleadings of the parties, following issues are hereby framed at the request of the parties:-

(1) Whether the suit of the plaintiff is not maintainable in law and in facts? OPD

(2) Whether the suit of the plaintiff is not maintainable on account that plaintiff has already filed a suit bearing no. 240/2016 on the same cause of action and the same was dismissed for want of jurisdiction? OPD

(3) Whether plaintiff has not approached the court with clean hands and has suppressed the material facts from this court? OPD

(4) Whether the present suit is liable to be dismissed for mis-joinder

of necessary parties? OPD

(5) Whether the suit of the plaintiff is under valued for the purpose of jurisdiction? OPD

(6) Whether the suit is barred by law of limitation? OPD

(7) Whether the plaint disclosed no cause of action in favour of the plaintiff and against the defendant? OPD

(8) Whether the plaintiff is entitled for a preliminary decree of partition in the suit property declaring that plaintiff and defendant no. 1 is having ½ undivided share in the suit property bearing no. E-259, East of Kailash, New Delhi? OPP

(9) Whether the plaintiff is entitled for a decree of partition by metes and bounds of the suit property in question declaring that plaintiff and defendant no. 1 is having ½ undivided share in the suit property in question? OPP

(10) Whether the plaintiff is entitled for a decree of permanent injunction in favour of the plaintiff and against the defendant no. 1 and 2 thereby restraining the defendants from creating any third party interest in the suit property in question? OPP

(11) Whether the plaintiff is entitled for a decree of declaration declaring the sale deed dt. 12.08.2010 executed by defendant no. 1 in

favour of defendant no. 2 as null and void? OPP

(12) Relief.

No other issues are raised or pressed for.

Now, be put up for PE on **07.05.2021**. Let advance copy of evidence by way of affidavits of witnesses be supplied to the opposite counsel at least one week before next date of hearing, failing which a cost of Rs. 2000/- shall be imposed on the plaintiff. List of witnesses be also filed by both the parties within 15 days from today.

(Neelam Singh)

ADJ-02/SE/Saket/New Delhi

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