

12 CS 2125/16

**NARENDER KUMAR VASHISHT AND ORS Vs. SMT ANITA
SHARMA**

17.12.2024

1st call at 10:56am

Present: Sh. T.C. Ahuja and Sh. Himanshu Sharma Ld.

Counsels for plaintiffs through VC.

None for defendant.

Matter be pass over for 11:30am.

(Deepanker Mohan)

District Judge-04

Shahdara District/KKD Courts/Delhi

17.12.2024

2nd call at 11:22am

Present: Sh. T.C. Ahuja and Sh. Himanshu Sharma, Ld.

Counsels for plaintiffs through VC.

Son of plaintiff in person.

Sh. R.N. Dubey, Ld. Counsel for defendant.

Ld. counsel for defendant, on instructions submits that defendant has no objection, if the application under Order XIV Rule 5 CPC be allowed subject to that defendant be granted liberty to lead DE qua the said additional issue.

Ld. counsels for plaintiff, on instructions submit that plaintiff wants to press only one additional issue i.e. qua possession. He further on instructions submits that plaintiff does not want to press the relief for recovery of Rs.5,40,000/- against the defendant, mentioned in the plaint. He further on instruction submits that after framing the additional issue, plaintiff does not want to lead any further evidence and the plaintiff shall rely on the evidence already led by him. He further on instructions submits that plaintiff has no objection,

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if defendant be allowed to lead DE qua the additional issue. He further submits that if after conclusion of DE on the additional issue, if any material comes which needs to be rebutted then in that case, plaintiff shall move an appropriate application for leading PE in rebuttal.

Heard.

In view of the submissions and considering the facts that on 15.02.2011, the issue qua possession was not framed, therefore, this Court deem fit to frame additional issue in exercise of its power given under the provision of Order XIV Rule 5 CPC.

Following additional issue is hereby framed which is mentioned as under:-

9. Whether plaintiff is entitled for decree of possession in respect to the suit property against defendant, as prayed? OPP

No other issues arises or is pressed.

Application under Order XIV Rule 5 r/w Section 151 CPC is accordingly disposed of.

Defendant is directed to file additional evidence affidavit within 30 days from today with an advance copy to plaintiff.

Put up for DE on **25.01.2025 and 06.02.2025.**

Date is given as per the convenience of Ld. counsels.

(Deepanker Mohan)
District Judge-04
Shahdara District/KKD Courts/Delhi
17.12.2024