

22.01.2025

At 11:45am

Present: Sh. I.A. Khan, Ld. Counsel for plaintiff along with plaintiff in person.
Sh. Devender Kumar, Ld. Counsels for D-1 along with D-1 in person.
None for D-2 (**Right of D-2 to file WS stands closed and D-2 proceeded ex-parte vide order dated 23.07.2024**).

D-1 has not filed any affidavit of admission and denial of documents till date despite opportunity granted.

Plaintiff has also not produced the original documents.

In view of the circumstances, admission and denial of documents cannot be conducted.

It is submitted by Ld. counsels that the pleadings in the present matter are completed and further request to frame issues in the present matter.

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

- 1. Whether the suit properties are the self-acquired properties of the plaintiff, as claimed? If so what would be its consequences? OPP**

(2)

2. Whether the defendants are occupying the suit properties being the licensee of plaintiff, as claimed? OPP
3. Whether Sh. Abdul Shakur purchased a large plot ad-measuring 175 sq. yards in the year 1985-1986 and he was the absolute owner of the suit property bearing no.1185, Gali No.35/39, Jafrabad, Delhi, as claimed? OPD-1
4. Whether in the year 2008, Sh. Abdul Shakur had orally gifted one room with kitchen, common latrine and bathroom at first floor and one shop at ground floor of suit property bearing no.1185, Gali No.35/39, Jafrabad, Delhi to defendant no.1 and one room with kitchen, common latrine and bathroom at second floor to defendant no.2, as claimed? OPD-1
5. Whether plaintiff is entitled for decree of permanent injunction against defendants in respect to suit property, as claimed? OPP
6. Whether plaintiff is entitled for decrees of mandatory injunction against defendants, as prayed? OPP
7. Whether plaintiff is entitled for decree of mesne profit @ Rs.30,000/- per month as usage and occupation charges against defendants, as prayed? OPP
8. Whether plaintiff has not paid the requisite court fees on the plaint as per the reliefs claimed? OPD-1
9. Whether the suit of the plaintiff is hit by Section 41 (h) of the Specific Relief Act? OPD-1
10. Relief.

(3)

No other issues arises or is pressed by the parties, at this stage. The parties are directed to file list of witnesses within 15 days from today.

Plaintiff is directed to file evidence by way of affidavit of the plaintiff's witnesses within 30 days, with an advance copy to the opposite side, at least seven days prior to the NDOH.

It is submitted by Ld. Counsel for the plaintiff that plaintiff is aged about 70 years.

In view of the submissions, the present matter is a senior citizen matter.

Ahlmad of this Court is directed to get the category of the present matter be changed in CIS.

Put up for PE on 24.03.2025.

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

(Deepanker Mohan)
District Judge-04
Shahdara District/KKD Courts/Delhi
22.01.2025