

CS No. 16099/16
Adesh Kumar Jain vs. Brij Rani Sharma & Anr.

23.04.2022

Present: Sh. Ashok Kaushik, Ld. Counsel for plaintiff.
Sh. Manoj Kumar Tyagi, Ld. Counsel for LR of
defendant no. 1.
Defendant no. 2 is stated to have been already
proceeded ex-parte.

Today, case is listed for filing of reply and arguments on application of plaintiff u/s 151 CPC for sending money receipt and agreement to sell dated 13.05.2012 to the FSL for expert opinion qua signature of defendant no. 1 - Late Brij Rani Sharma. As on date, no reply has been filed on behalf of defendant no.1 to the aforesaid application but Ld. Counsel for LR of defendant no. 1 has straightaway argued on the said application.

After extensive arguments, Ld. Counsel for plaintiff seeks permission to withdraw the present application with liberty to press the same at an appropriate stage. In view of the aforesaid submissions, the present application u/s 151 CPC is disposed of as not pressed at this stage.

Pleadings are complete.

Record of the file reveals that admission-denial of documents have already been done before the Hon'ble High Court of Delhi from where the matter has been remanded back due to encashment of pecuniary jurisdiction.

Contd..

From the pleadings of the parties following issues are framed :

- 1) Whether the plaintiff is entitled to a decree of specific performance of contract and possession of suit properties bearing nos.1105-1006, Gali Jain Mandir, Najafgarh, New Delhi, as prayed for in para-1 of prayer clause? OPP
- 2) Whether the plaintiff is entitled to a decree of permanent injunction as prayed for in para-2 of prayer clause? OPP
- 3) Whether the plaintiff is entitled to a decree of declaration as prayed for in para-3 of prayer clause? OPP
- 4) Relief.

No other issue arises or pressed for.

Now, to come up for PE on **04.06.2022**.

Both the parties are directed to file list of witnesses within two weeks from today. Affidavits of all PWs be filed on record in one go on the date fixed with advance copy to the opposite party.

(MOHINDER VIRAT)
ADJ-05 (SW):Dwarka Courts
New Delhi: 23.04.2022