

09.05.2024

Present: Sh. Abhinav, Ld. Counsel for Plaintiff.
None for Defendants.

WS filed on behalf of Defendants no. 1 to 4.
Same is taken on record. Replication not filed.

Ld. Counsel for Plaintiff has submitted that he does not wish to file the Replication and that the matter may be proceeded for framing of issues. List of proposed issues filed on behalf of the Plaintiff. Same is taken on record.

Considering the submissions made, pleadings stand completed.

On the basis of pleadings, following issues are framed:

- (a) Whether Plaintiff is entitled to a decree of specific performance of the agreements to sell with respect to suit property, as prayed for? (OPP)***
- (b) Whether Plaintiff is entitled to a decree of injunction against the Defendants no. 1 and 2, as prayed for? (OPP)***
- (c) In the alternative, whether Plaintiff is entitled to a decree of recovery of consideration amount of Rs. 50,000/- along with damages at the rate of Rs. 1,50,000/- along with interest at the rate of 12% per annum, as prayed for? (OPP)***
- (d) Whether Plaintiff was ready and willing to perform his portion of the agreement? (OPP)***
- (e) Whether Defendant no. 3 is a bonafide purchaser for good value? (OPD-3)***
- (f) Whether a decree of specific performance be passed***

against the subsequent purchaser, Defendant no. 3? (OPP)

(g) Relief.

No other issue arises or pressed for by the parties. Parties are directed to file list of witnesses within 15 days under Order XVI R 1 of CPC and Plaintiff is directed to file affidavit of evidence of witnesses along with advance copy to the opposite party. It is clarified that if the parties do not comply with the present order, they shall pay a cost of Rs. 5,000/- to be deposited with DSLSA.

Put up for PE on **17.08.2024**.

**(DIVYANG THAKUR)
DJ-03/ SOUTH-WEST
DWARKA/ NEW DELHI
09.05.2024 (A)**