

CS 17198/16
SUNIL AND ORS
Vs.
KAMLESH AND ORS

25.02.2019

Present: Sh.Nitin Kumar, Advocate, Ld.Counsel for the Plaintiff.
Sh.Rajender Sehrawat, Advocate, Ld.Counsel for the Defendant.

On 04.12.2017, an additional issue – Issue no.6 was framed by this court and subsequently, the plaintiff has moved an application under Order VII Rule 14 CPC to place on record the following documents:-

- i) Khasra Girdawari for the year 2016-17 and
- ii) Khasra Girdawari for the year 2017-18

The application is allowed in the averments and submissions made by Ld.Counsel for plaintiff.

Ld.Counsel for defendant has undertaken admission-denial of above said documents and the defendant has admitted the same and they are marked as following

- i) Khasra Girdawari for the year 2016-17 – **Ex.P-1/4.**
- ii) Khasra Girdawari for the year 2017-18 – **Ex.P-1/5.**

On perusal of pleadings, documents, the following issue is framed:

Contd...2.

ISSUE No.7

Whether the plaintiff is entitled to the decree of declaration against the defendant that the General Power of Attorney, WILL, Agreement to Sell, Receipt and Possession Letter all dated 14.03.2004 executed by Sanjeev Kumar in favour of Geeta with regard to half portion of land recorded in Sanjeev Kumar's name in Khasra No.74/26, 80/4 and 80/7, Village Chhawla, New Delhi? OPP

No other issues arises or is pressed.

For the sake of clarification, this court deems appropriate re-iterate the issues in *seritam*, as amended issues have been added on two occasions.

- 1. Whether the plaintiffs have no locus-standi to file the present suit? OPD-2***
- 2. Whether the suit of the plaintiffs is barred by Section 185 of Delhi Land Reforms Act? OPD-2***
- 3. Whether the plaintiffs have not properly valued the present suit for the purpose of court fees and jurisdiction? OPD-2***
- 4. Whether the suit of the plaintiffs is bad for non-joinder of necessary party? OPD-2.***
- 5. Whether the plaintiffs are entitled for the decree of permanent injunction as prayed for? OPP***

Contd...3.

6. *Whether the present suit for permanent injunction simplicitor is maintainable without the prayer for declaration of title of the plaintiffs? OPP*
7. *Whether the plaintiff is entitled to the decree of declaration against the defendant that the General Power of Attorney, WILL, Agreement to Sell, Receipt and Possession Letter all dated 14.03.2004 executed by Sanjeev Kumar in favour of Geeta with regard to half portion of land recorded in Sanjeev Kumar's name in Khasra No.74/26, 80/4 and 80/7, Village Chhawla, New Delhi? OPP*
8. *Relief.*

Put up for PE **29.04.2019.**

Parties are directed to file their list of witnesses within 14 days from today by exchanging copies to each other.

Plaintiff is directed to file the evidence by way of affidavit of all the plaintiff witnesses except witnesses to be summoned with an advance copy to be served upon Ld.Counsel for the defendants, so as to facilitate them to cross-examine the witnesses on next date.

(Hargurvarinder S.Jaggi)
ADJ-02 : Dwarka Courts
New Delhi/25.02.2019