

CS No. 392/17
Hem Chand Jain Vs. Baljeet Singh & Ors.

06.07.2017

Present: Sh. Manish Bansal and Sh. Robin Bansal, counsels for the plaintiff.

Sh. Deependra Hooda, counsel for defendant no.1.

Defendant no.2 in person with counsel Sj. Raj Kr. Tanti.

Written statement alongwith reply to the application u/O. 39 Rule 1 & 2, list of documents with certain documents have been filed on behalf of defendant no.2 on 01.07.2017. Advance copy of the same have already been supplied to the other party. Counsel for the plaintiff submits that he does not want to file replication to the WS of defendant no.2.

Replication filed today on behalf of the plaintiff to the written statement of defendant no.1. Copy supplied.

After conferring with the parties, I find no element of settlement in the present case. Documents of the parties are not related to each other, therefore, admission-denial is dispensed with. Pleadings in the present matter are complete. On the basis of the pleadings of the parties, following issues are framed as under :

ISSUES

- i). Whether the suit is barred by the law of limitation ? OPD-1.
- ii). Whether the suit has been under valued for the purpose of jurisdiction and court fee and proper court fees has not been affixed ? OPD-1.
- iii). Whether the suit is bad due to non-joinder of necessary parties ? OPD-1.

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: 2 :

- iv). Whether the plaintiff is entitled to a decree of possession in respect of the suit property, as prayed for ? OPP.
- v). Whether the plaintiff is entitled to a decree of permanent injunction, as prayed for ? OPP.
- vi). Whether the plaintiff is entitled to a decree of mandatory injunction, as prayed for ? OPP.
- vii). Whether the plaintiff is entitled to a decree of mesne profits, as prayed for ? OPP.
- viii). Relief.

No other issue arise and is pressed for.

At this stage, arguments are heard on the application u/O. 39 Rule 1 & 2 CPC.

Now, to come up for order on application u/O. 39 Rule 1 & 2 CPC as well as for PE on **31.07.2017**. Both the parties are directed to file list of witnesses within one week from today. Affidavit of all PWs be filed on record in one go on the date fixed under advance copy to opposite party. Date has been given as per the convenience of both the parties.

(Mohd. Farrukh)

ADJ(SW)/Dwarka Courts
06.07.2017