

CS No.451/17

Harbhajan Kaur Vs. Amardeep Kaur & Ors.

10.07.2017

Present: Plaintiff in person with counsel Sh. R.P. Kaushik.
Defendant no.1 in person with counsel Sh.Ambuj Bhardwaj,
for the defendants.

Matter is coming up today for filing of WS, replication, admission-denial of documents as well as framing of issues.

Written statement alongwith reply to the application u/O. 39 Rule 1 & 2 CPC as well as vakalatnama filed on behalf of the defendants. Copy of which has already been supplied.

Counsel for the plaintiff seeks time to file their replication. Request of the plaintiff is declined as the replication is not the part of the pleadings as the Hon'ble Delhi High Court in **Anant Construction Pvt. Ltd. Vs. Ram Niwas MANU/DE/0407/1994** has laid down that every material averment in the written statement is presumed to be denied by the plaintiffs and for that purpose he need not file the replication and the filing of replication and rejoinder without the leave of the court is not permissible.

Admission-denial of documents cannot be conducted as the parties have not filed their original documents. 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 plaint has not been signed and verified properly ?
OPD.
- ii). Whether the plaint does not disclose the cause of action ? OPD.

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- iii). Whether the suit has been under valued for the purpose of jurisdiction and proper court fees has not been affixed ? OPD.
- iv). Whether the suit property bearing no. 28 (New no. WZ-15-C/3, Manas Kunj, Uttam Nagar, New Delhi, (as shown in red colour in the site plan) has been gifted by the plaintiff to her son Gurmeet Singh ? OPD.
- v). Whether the husband of defendant Gurmeet Singh raised a construction on the suit property during his lifetime with his own money, savings and income ? OPD.
- vi). Whether the plaintiff is entitled to a decree of possession in respect of the suit property, as prayed for ? OPP.
- vii). Whether the plaintiff is entitled to a decree of permanent injunction, as prayed for ? OPP.
- viii). Whether the plaintiff is entitled to a decree for recovery of Rs. 2,25,000/- against the defendant, as prayed for ? OPP.
- ix). Whether the plaintiff is entitled to a decree of damages and mesne profits, as prayed for ? OPP.
- x). Relief.

No other issue arise and is pressed for.

Now, to come up for PE on **02.08.2017 at 12:30 PM**. Both the parties are directed to file list of witnesses within fifteen days 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
10.07.2017