

**CS No. 17425/16**  
**M.R. Aggarwal vs. Radha Raman Sharma**

**02.03.2020**

Present: None.

Vide my separate order of even date, the application moved by the defendant under Order 7 Rule 11 CPC is dismissed with a cost of Rs.2000/- payable to the plaintiff for delaying the matter.

Issues in this case have already been framed on 05.07.2018. While deciding the application, I have observed that some additional issues are required to be framed in this case. Following additional issues are accordingly framed for adjudication: -

- 1. Whether the suit is bad for non-joinder of necessary parties? OPD*
- 2. Whether description of the property given by the plaintiff in the plaint and property which is in possession of the defendant are two different and distinct properties? OPD.*

For the clarity and in order to avoid any confusion, the issues framed on 05.07.2018 and the additional issues framed today are recast and re-framed as under: -

- 1. Whether plaintiff's suit has been filed without any cause of action and is also barred by limitation? OPD.*
- 2. Whether the suit is bad for non-joinder of necessary parties? OPD.*
- 3. Whether description of the property given by the plaintiff in the plaint and property which is in possession of the defendant are two different and distinct properties? OPD.*

4. *Whether defendant and his brother Sh. Radha Ballab are joint owners in possession of suit property viz. Portion of plot no. 42, measuring 216 sq. yards out of Khasra No. 80/4 and 80/5, Village Hastal, Delhi on the basis of title deed executed by erstwhile owner Sh. Ramesh S/o Sh. Sukhbir on 19.03.1996? OPD.*
5. *Whether plaintiff is entitled to decree declaring defendant's document (title deed) as forged, fabricated which may be directed to be cancelled/destroyed? OPP.*
6. *Whether plaintiff is entitled to decree of possession against the defendant in respect of plot measuring 200 sq. yards (shown within red lines in the site plan) built up on piece of land measuring 8 biswa (400 sq. yards) out of Khasra No. 80/4, Village Hastal, Delhi known as WZ-42-A, Roop Vihar, Near Nawada Extension, Om Vihar, Phase-V, New Delhi? OPP.*
7. *Whether plaintiff is entitled to decree of damages/mesne profits amounting to Rs.5,40,000/- (for past three years) alongwith interest @ 15% per annum till the date of actual vacation and handing over peaceful physical possession of suit property? OPP.*
8. *Relief*

Now, put up for payment of cost by the defendant to the plaintiff and for PE on **27.05.2020**.

**(Balwant Rai Bansal)**  
ADJ-05(SW)/Dwarka Courts  
02.03.2020