

CS no.872/2017

Kuldeep Panwar vs. IB Singh Parihar and Ors.

28.11.2017

Present: Counsels for the parties.

Replication to the written statement of defendant no.3 filed today. Copy given.

Receipt of deposition of cost of Rs.3000/- with DLSA filed by defendant no.2 along with written statement. Copy of written statement given to opposite party. Counsel for defendant no.2 prays for condonation of delay in filing the written statement. Perusal of the record shows that 15 days' time w.e.f. 09.11.2017 was granted to defendant no.2 to file written statement, however, the same has not been filed within the time granted and fixed by this court. However, in the interest of justice, delay in filing the written statement by defendnat no.2, is condoned. Written statement of defendant no.2 is taken on record.

Documents filed by both the parties are not related to each other, hence admission/denial of documents is

dispensed with.

After conferring with the parties, I see no element of settlement.

Pleadings in the matter are complete.

On the basis of pleadings of the parties, following issues are framed:-

### **ISSUES**

1. Whether the suit is bad for mis-joinder of defendant no.2?OPD-2
2. Whether the property of which the defendant no.3 is the owner and having possession is different from suit property i.e. RZ-1-6, Built on plot no.32 out of khara no.16/24/2 situated in the Village Mirzapur, Delhi presently known as Nanda Block, Mahavir Enclave, ad measuirng 240 sq.yds.?OPD-3
3. Whether the present suit is collusive suit between the plaintiff and defendant no.1?OPD-3
4. Whether defendant nos.4 & 5 are the owners of the suit property on the basis of registered Will dated 19.11.2016 executed by late Sh. Asha Parihar? OPD4&5
5. Whether the plaintiff has purchased the suit property from late Smt. Asha

Parihar by virtue of agreement to sell, affidavit, possession letter, GPA after payment of sale consideration of Rs.63,25,000/-?OPP

6. Whether the plaintiff is entitled to decree of possession qua the suit property, as prayed for?OPP

7. Whether the plaintiff is entitled to decree of permanent injunction as prayed for?OPP

8. Relief.

No other issue arises or is pressed for.

Put up for PE on 06.01.2018 Affidavit in PE be filed in one go under advance copy of the same to opposite party at least one week before the next date. Both parties are directed to file their respective list of witnesses within ten days from today. Date has been given as per convenience of both the counsels of the parties.

(MOHD. FARRUKH)  
ADJ (SW)/PILOT COURT/ DWARKA COURTS(an)