

19.02.2024

Present: Sh. Pankaj Tripathi, Ld. Counsel for the plaintiff.
Sh. Mukesh Sehrawat, Ld. Counsel for the defendant no. 2 along with defendant no. 2
Defendant no. 1 already proceeded ex parte vide order dated 09.11.2023.

At this stage, Ld. Counsel for the plaintiff press upon his application U/o XXXIX rule 1 and 2 CPC.

Ld. Counsel for the defendant no. 2 undertakes not to create third party interest during the pendency of the present suit. In view of the submissions, application U/o XXXIX rule 1 and 2 CPC stands disposed off.

Ld. Counsel for the plaintiff submits that, he is not inclined to file replication. Accordingly, pleadings stand complete.

Ld. Counsel for the defendant no. 2 submits that, there is no privity of contract between the plaintiff and defendant no.2 as he has entered the collaboration agreement with the defendant no. 1 only. It is further submitted that, defendant no. 2 is denying all the documents except the collaboration agreement, same is Ex. P/D2/1.

Ld. Counsel for the plaintiff submits that, defendant no. 2 has not filed any document on record. Accordingly, no admission-denial of documents is requisite.

From the pleadings of the parties, following issues are framed:

- (1) Whether there is a privity of contract between plaintiff and defendant no. 2 ? OPD-2.

(2) Whether plaintiff is entitled to decree of Specific Performance qua defendant no.1 to execute sale deed in favour of the plaintiff and possession thereof with respect to property i.e. First Floor, front side without roof right of a property bearing Plot No. 83-A, area measuring 50 sq. yards (out of total 75 sq. yards), out of Kh. No. 13/15, situated in the revenue estate of Village Kakrola, colony known as Shivani Enclave, Delhi-110078, as prayed ? OPP

(3) Whether plaintiff is entitled to permanent injunction, as prayed?
OPP

(4) Relief.

Put up for PE on **29.05.2024**.

List of witnesses be filed by both the parties within 15 days, after exchanging copies thereof. The copies of evidence by way of affidavit of the witnesses be supplied to opposite side at least days prior to the NDOH.

(SHILPI M JAIN)
ADJ-05 (SW)/Dwarka Courts
New Delhi:19.02.2024