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CS DJ ADJ 1104/17

PARDEEP SOLANKI Vs. LUV BHARDWAJ AND ORS.

22.09.2022

Present: Ms. Shweta Bakshi, Ld. Counsel for plaintiff.
Sh. Naval Kautsa, Ld. Proxy Counsel for
defendants.

Matter was pending for arguments on application under Order XIV R 5 of CPC.

Arguments heard on the application under Order XIV R 5 of CPC for framing of additional issues filed on behalf of plaintiff. I have heard the parties and gone through the file.

Issues are framed for the purpose that the parties must know what evidence is to be led by them in order to discharge the onus of the pleadings as pleaded by them in the WS/plaint. Present is a case where the defendants have pleaded that the plaintiff had sold the property through registered sale deed and on the other hand, the plaintiff has pleaded that the said sale deeds are forged and fabricated.

Once the defendants are relying on the sale made by the plaintiff, the onus is placed on him to prove his case. Therefore, two additional issues are framed accordingly as issues no. (vi) and (vii) as under:

Issue no. (vi) : Whether there was a valid sale of the suit property made by the plaintiff in favour of defendant no. 1 through registered sale deed? (OPD1 and OPD2)

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Issue no. (vii) : Whether the defendant no. 1 was handed over the actual physical possession of the suit property in pursuance of the sale deed? (OPD1 and OPD2)

No any other issue arises or is pressed for. Both parties are directed to file their list of witnesses along with affidavit of evidence of witnesses within 15 days with advance copies to each other.

After perusing the pleadings as well as issues framed, in my opinion, it would be in the interest of justice if defendant no. 1 leads evidence with respect to issues framed herein vide issues no. (vi) and (vii). Therefore, defendant no. 1 is directed to lead evidence on the next date of hearing. Put up for evidence on behalf of defendant no. 1 on **17.11.2022**.

**(DIVYANG THAKUR)
ADJ-03/ SOUTH-WEST
DWARKA/ NEW DELHI
22.09.2022 (A)**