

CS 619/23
Kusum Sharma
Vs.
Suresh Kumar

08.10.2024

Present : Mr. Ashish Pandey, Ld. Counsel for plaintiff.

(Joined through VC)

Mr. Shubham Saxena and Mr. Pushkar Dwivedi,
Proxy counsel for plaintiff present in the Court.

Mr. Mukesh Hooda, Ld. Counsel for defendant.

Replication along-with affidavit of admission-denial of documents filed on behalf of the plaintiff. The same are taken on record.

Ld. Counsel for plaintiff undertakes to supply copy of the same to Ld. Counsel for defendant today itself via Whatsapp.

Ld. Counsel for defendant submits that defendant is admitting all the documents filed by the plaintiff and therefore, defendant does not wish to file the affidavit of admission-denial of documents.

Ld. Counsel for plaintiff submits that there is a delay of 53 days in filing the WS and defendant has moved an application for condonation of the said delay. Further, plaintiff has no-objection, if the said application is allowed subject to some cost.

In view of the submissions made by counsel for plaintiff, the application U/O VIII Rule 1 CPC seeking

condonation of delay in filing the WS is disposed of as allowed subject to cost of Rs.2,000/- to be paid to the plaintiff on or before the next date of hearing. The WS filed by the defendant is taken on record.

An application seeking waiver of cost of Rs.5,000/- imposed vide order dated 09.07.2024 filed on behalf of the plaintiff. The same is taken on record.

In view of the reasons mentioned in the said application, the same is partly allowed. Accordingly, the cost of Rs.5,000/- is reduced to Rs.2,000/- to be deposited in DLSA, East, KKD before the next date of hearing.

Pleadings stated to be completed. From the pleadings of both the parties, following issues are hereby framed:-

- a) **Whether the plaintiff is entitled for decree of possession in respect of the suit property i.e. Double Story, consisting number of Shops bearing nos. B-971-972, G.D. Colony, Mayur Vihar, Phase-III, Delhi-110096, as prayed for? OPP**
- b) **Whether the plaintiff is entitled for decree of damages/ mesne profits, as prayed for? OPP**
- c) **Whether the plaintiff is entitled for decree of recovery of Rs.15,000/-, as prayed for? OPP**
- d) **Whether the plaintiff is entitled to any interest, if yes, at what rate and for what period, as prayed**

for? OPP

e) Whether there is no cause of action? OPD

f) Whether the present suit is not properly valued? OPD

g) Relief.

No other issue arises or pressed for.

Put up for PE on **10.12.2024**. Let affidavit of evidence of plaintiff's witnesses along-with list of the witnesses be filed within two weeks from today with advance copy to Ld. Counsel for the defendant.

(Hem Singh)
District Judge-01
(East)/KKD/Delhi/08.10.2024