

Subhash Chand Kaushik and ors vs The Registrar of Society and ors.

29.11.2021

Present: Plaintiff no.1 & 3 with counsel Shri Abhishek Gupta.

None for defendant no.1.

Shri Hemant Gupta , Ld.counsel for defendant no.2.

Ms Sheenu Talreja, proxy counsel for the defendant no. 4 & 5.

Shri Vikas Agagrwal, Ld.counsel for defendant no.7,9 11,13,16,18-21.

Defendant no.6(ex-parte vide order dated 24.03.2021)

Defendant no.8(ex-parte vide order dated 24.03.2021)

Defendant no.10(ex-parte vide order dated 24.03.2021)

Defendants no.14&15 (ex-parte order dated 20.09.2012)

Defendants no.22 to 25 (ex-parte vide order dated 24.03.2021).

Proceedings qua Defendant no. 3,12 and 17 have already been deleted as they have expired and no cause of action survives against them.

Pleadings qua the defendants who are appearing before the court are stated to be completed. It is submitted on behalf of the plaintiff that he shall be filing the original documents being relied upon by him during the course of the day. Let copy of the same be supplied to ld.counsels who are appearing before the court. Ld.counsels for the defendants are given liberty to file their objections in case the original documents being filed by the plaintiff are not in consonance with the earlier list of documents filed by the plaintiff. The said objections, if any shall be considered on the next date of hearing.

From the pleadings of the parties following issues have arisen and are accordingly framed:-

1. Whether the plaintiff is entitled to a decree for cancellation of order dated 24.03.2009 passed by defendant no.1 as prayed?OPP.
2. Whether the decree of cancellation of order dated 24.03.2009 passed by defendant no.1 cannot be passed in favour of the plaintiff in view of the order of Ld. LG dated 08.09.2010 as alleged in preliminary objection no.2 of WS of defendants no.7,9,11,13,16,18 to 21 and preliminary objection no.2 of WS of defendants no.4 & 5?OPD.

3. Whether the plaintiff is entitled to a decree of declarations, as prayed in prayer no. 2 & 3 of the plaint?OPP.
4. Whether the plaintiff is entitled to a decree of permanent injunctions, as prayed in prayer no.5 & 6 of the plaint?OPP.
5. Whether the plaintiff is entitled to a decree of declaration to the effect that the defendants are liable to render the accounts/records as prayed in prayer no.4 of the plaint?OPP.
6. Whether the plaintiff is entitled to a decree of rendition of account, as prayed?OPP.
7. Whether the plaintiff is guilty of concealment of material facts from the court if so, its effects as stated in preliminary objection no.1 of WS of defendant no.2 and preliminary objection no.2 & 3 of WS of defendants no.7,9,11,13,16,18 to 21 and preliminary objection no.1 of WS of defendants no.4 & 5?OPD.
8. Whether this court does not have territorial jurisdiction to try the present suit as alleged in preliminary objection no.3 of WS of defendant no.2, preliminary objection no.1 of WS of defendants no.7,9,11,13,16,18 to 21 and preliminary objection no.3 of WS of defendants no.4 & 5?OPD.
9. Whether the suit has not been properly valued for the purposes of Court Fees and Suit Valuation as alleged in preliminary objection no.4 of WS of defendant no.2 and preliminary objection no.4 to 14 of WS of defendants no.7,9,11,13,16,18 to 21?OPD.
10. Whether the present suit is not maintainable in its present form without seeking the consequential relief of possession as alleged in preliminary objection no.6 of WS of defendant no.2 and preliminary objection no.15 of WS of defendants no. 7,9,11,13,16,18 to 21 and preliminary objection no.4 of WS of defendants no.4 & 5?OPD.
11. Relief.

No other issues arises or pressed upon by any of the parties. Put up for PE on **11.02.2022**. Plaintiff is directed to file the affidavits atleast 15 days prior to the next date of hearing with supply of advance copy to the opposite party. All the parties are directed to file the list of witnesses within 4 weeks from today with supply of advance copy to the opposite party. Copy of order be given dasti to all as prayed.

(Shivali Sharma)

ADJ-03/West Distt./THC/Delhi