

CS No. 10274/16

30.11.2016

Present: Shri Pankaj Chawla, counsel for the plaintiff.
Shri Ankur Jain, counsel for defendant no.2.
Defendant no.2 in person.
None for defendant no.1.

Heard on the review application dated 08.08.2016
moved on behalf of defendant no.2.

Counsel for defendant no.2 submits that the above-
said application may be allowed to be withdrawn.

In view of the submission, the above-said review
application is dismissed as withdrawn.

It is submitted by the counsel for defendant no.2 that
as per the objections taken by the defendants in their
written statement, some additional issues are to be
framed.

Heard and perused.

Having perused the pleadings, I find substance in the
contentions of the counsel for defendant no.2 and
accordingly, following additional issues are framed:

1. Whether the suit of the plaintiffs is
barred by limitation? OPD
2. Whether the plaintiffs have not
approached the court with clean
hands? OPD
3. Whether the suit has not been valued
properly for the purposes of court fees
and jurisdiction? OPD

Issues framed vide order dated 01.10.2013 and issues framed today are combinedly referred as under:

1. Whether the suit of the plaintiffs is barred by limitation? OPD
2. Whether the plaintiffs have not approached the court with clean hands? OPD
3. Whether the suit has not been valued properly for the purposes of court fees and jurisdiction? OPD
4. Whether defendant no.1 Smt. Kanta Verma is the owner of second floor of the property no. 7/33, East Punjabi Bagh, New Delhi-26? OPD-1
5. Whether defendant no.2 Shri Raman Verma is the owner of second floor of the property no.7/33, East Punjabi Bagh, New Delhi-26? OPD-2
6. Whether the plaintiffs are entitled to a decree of possession in respect of suit property i.e. entire property on second floor (barsati floor) House No.7, Road No.33, East Punjabi Bagh, New Delhi-110025 as prayed for ? OPD
7. Whether the plaintiffs are entitled to recover mesne profit/damages @ Rs.25,000/- p.m w.e.f 01.08.2012 till the recovery of possession of the suit property as prayed for? OPP
8. Relief.

The case is at the stage of defence evidence. The onus to prove additional issues, framed today has been

placed on the defendants, who may lead evidence to discharge the said onus.

It is made clear that since the plaintiff's evidence has already been closed, the plaintiff would be entitled to lead the evidence only on the additional issues framed today in rebuttal, if required.

List the case for defence evidence on 18.01.2017.

(Kuldeep Narayan)
Addl. District Judge-05
West District: THC
Delhi: 30.11.2016