

18.07.2023

Present: Sh. Gaurav Kumar, SPA of plaintiff.

Sh. Hari Om Gupta, Ld. counsel for defendant No.6 through VC.

The matter has been listed today for framing of issues. Affidavit of admission and denial and also proposed issues has also been filed on behalf of defendant No.6.

The present suit has been filed for seeking declaration and also for possession in respect of the suit property alongwith the relief of being awarding mesne profits. In para-11 of the plaint, plaintiff contends that defendant has fabricated certain documents showing that the suit property had been sold by the plaintiff to defendant on 04.05.1977. However, in the prayer clause, there is neither any prayer for declaration in respect of the allegedly forged documents nor is there any prayer for declaration of ownership of the plaintiff over the suit property. It also needs a highlight that in para-11 of the plaint, it has been mentioned that plaintiff came to know about the forged and fabricated documents on 30.10.2012. Consequently, prayer for seeking declaration qua those documents appears to be *prima-facie* time barred.

In view of the above, issues cannot be framed today. Ld. counsel for the plaintiff is not present today.

Put up for further proceedings on **25.10.2023**.

(Dr. Ajay Gulati)
ADJ-02, WEST
18.07.2023