

CivDJ/658/2017

Gulshan Kumar Chawla Vs. Vijay Kumar Chawla & Anr

21.03.2018

Present: Ms Kritika Gupta, proxy Counsel for the plaintiff with
plaintiff.
Sh. V.V. Singh, Ld. Counsel for both the defendants with
defendant no.-1.

Replication filed. Copy supplied.

Proxy Counsel for plaintiff submits that application under
Order 39 Rule 1 & 2 CPC is not pressed at this stage.

Pleadings are complete.

From the pleadings of the parties, the following issues are
framed:-

1) Whether the plaintiff is entitled for a decree of declaration thereby declaring that the settlement/understanding dated 07.09.1993 is final and binding on the parties as prayed for? OPP

2) Whether the plaintiff is entitled for a decree of declaration thereby declaring that plaintiff is sole owner and in possession of second floor of suit property as prayed for? OPP

3) Whether the plaintiff is entitled for a decree of permanent injunction in his favour thereby restraining defendants from claiming any right, title or interest in second floor of suit property and also for restraining the defendants from creating any nuisance in the use of said property by plaintiff? OPP

4) Whether the suit filed by plaintiff is not maintainable in the present form?OPD

Contd.....

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5) Whether the suit filed by plaintiff is barred by limitation?

OPD

6) Whether the suit filed by plaintiff is liable to be dismissed on account of non joinder of necessary parties?OPD

7) Whether the suit filed by plaintiff is liable to be dismissed on account of no cause of action?OPD

8) Relief.

No other issue arises or pressed.

List of witnesses be filed by both the parties within 15 days.

Let the plaintiff shall file evidence by way of affidavits of the witnesses within six weeks from today with advance copy to the counsel for the defendants.

Put up for P.E. on **12.07.2018**.

(DEEPAK DABAS)
ADJ-05/West/THC/Delhi
21.03.2018