

GURVINDER SINGH CHADHA Vs. AJIT SINGH CHADHA

21.04.2023

Present: Sh. Sandewshar Lal, Id. Counsel for the plaintiff with plaintiff in person

Sh. Sanjay Mishra and Ms Shelly Chauhan, Id. Counsel for defendant with defendant in person.

Matter has been listed today for framing of issues. Following issues arise for adjudication:

1. Whether plaintiff has any rights in suit property bearing no. F-159/1, Ground floor, Rajouri Garden, New Delhi and whether he is entitled to a declaration to the effect that he is the sole and absolute owner of the suit property? OPP
2. In case issue no. 1 is decided in favour of plaintiff, whether he is entitled to decree of possession of the same from the defendant?OPP
3. Whether plaintiff is also entitled to a decree of recovery of rent from the defendant at the rate as claimed in para C of the prayer clause of the plaint? OPP
4. Whether plaintiff is further entitled to a decree of permanent and mandatory injunction against the defendant, as prayed for in para no. D & E of prayer clause of the plaint? OPP
5. Whether the Will dated 22.01.2019 purportedly left behind by late Sh. Inder Singh Chhadha on the basis of which plaintiff is claiming ownership right over the suit property is a forged document? OPD
6. Whether the suit is not maintainable since the question of validity of the Will dated 22.01.2019 is pending adjudication

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before the Hon'ble High Court where a probate petition has been filed by the present plaintiff in respect of the said Will and hence, whether the present suit is liable to be stayed u/s 10 of the CPC?
OPD

7. Relief

No other issue arises or is pressed for.

Issue no. 6 is treated as preliminary issue.

Ld. Counsel for the defendant submits that till the next date of hearing no third party interest shall be created in the suit property. Ld. Counsel for the plaintiff also submits that he shall not make any efforts to dispossess the defendant.

Put up for arguments on the preliminary issue on 25.08.2023.

(Ajay Gulati-I)
ADJ-02, WEST
21.04.2023