

Civ DJ 613720/2016
Prem Sagar Sachdeva
Vs. Sanjay Bhatia & Ors.

24.02.2023

Present: Ms. Ritika Priya, proxy counsel for Sh. Nikhlesh
Krishnan, Ld. Counsel for plaintiff.
D-1 & D-2 are already ex-parte.
The name of D-3 Bank of India has already been
deleted from array of parties
Sh. Kashish Narang, Ld. Counsel for D-4.
Sh. Sandeep Soni, proxy counsel for D-5 Union
Bank of India.

Pleadings are complete. On the basis of pleadings,
the following issues are framed:

1. Whether there was equitable mortgage by deposit of original title documents of the suit property by defendant no.1 with Bank of India (now represented by D-4) on 26/03/2011, if so, the effect thereof? OPD-4.

2. Whether plaintiff is entitled to decree of specific performance of agreement to sell dated 25/05/2011, for directions to defendant no.1 to execute registered Sale Deed in favour of plaintiff in respect of suit property no. B-75, 3rd Floor, Mansarovar Garden, New Delhi-15, and hand over its previous chain of title documents to plaintiff? OPP.

Contd..2..

3. Whether plaintiff is entitled to decree of permanent injunction against defendants, as prayed for? OPP.

4. Whether plaintiff is entitled to decree of declaration of ownership over suit property? OPP.

5. Whether plaintiff is entitled to decree of declaration that Sale Deed dated 25/06/2012 in respect of suit property, executed by Sanjay Bhatia (D-1) in favour of Purnima Bhatia (D-2) is null and void? OPP.

6. Whether plaintiff is entitled to decree of declaration that the mortgage of suit property by Purnima Bhatia (D-2) in favour of Union Bank of India (D-5) is null and void? OPP.

7. Relief.

No other issue arises from pleadings of the parties. However, the defendants shall be at liberty to agitate if any further issue needs to be framed in view of pleadings of parties.

Plaintiff to supply advance copy of affidavit of evidence to Ld. Counsel for defendants at least 15 days before next date of hearing.

Parties to file their separate list of witnesses and supply advance copy thereof to each other at least 15 days before next date. If any of the parties to the suit failed to file the list of witnesses by next date, it shall forfeit the opportunity to file the same during trial.

Contd..3..

Parties to file all the documents on which they seek to rely in present suit by next date of hearing and supply advance copy of same to opposite party. If any of the parties to the suit failed to file the documents by next date, it shall forfeit the opportunity to file the documents during trial.

Put up for PE on 17/08/2023.

(VISHAL SINGH)
ADJ-03, WEST/DELHI
24.02.2023