

Rahul choudhary alias Ram kumar Vs. Raj Rani Uppal alias Kanta
Uppal

25.07.2025

Present: None for the plaintiff.
Sh. Amjad Khan, Ld counsel for the defendant.

No replication has been filed on behalf of the plaintiff.

On the LDOH, last opportunity was given to the plaintiff to file the replication.

In the present case, written statement has been filed on behalf of the defendant on 27.01.2025.

Sufficient time has already been given to the plaintiff to file the replication, therefore, the right of the plaintiff to file replications stands closed.

From the pleadings of parties, following issues have been framed.

ISSUES

1. Whether the plaintiff is entitled for decree of specific performance of agreement to sell dated 16.11.2016, thereby directing the defendant to execute sale deed of suit property bearing no. 36, plot no. 7, East Punjabi Bagh, New Delhi, in respect of portion mentioned in agreement to sell dated 16.11.2016, as shown in site plan with red ink? OPP.

2. Whether the plaintiff is entitled for decree of declaration declaring that the defendant has breached the contract for agreement to sell dated 16.11.2016 and therefore, plaintiff is entitled to receive compensation for its breach from the defendant, in addition to relief of specific performance? OPP.

3. In alternative, whether the plaintiff is entitled for compensation, in case, the court comes to the conclusion that relief of specific performance ought not to be granted to the plaintiff? OPP.

4. Whether the plaintiff is entitled for refund of earnest money of Rs. 4,32,000/- along with interest @ 18 % per annum, from the defendant, in case, the relief of specific performance is not granted to the plaintiff? OPP.

5. Whether the suit of the plaintiff is not maintainable as earlier he has filed counter claim jointly with Sh. Kamal Kant Sharma, seeking same relief and thereafter, he withdrew the said counter claim with liberty to file afresh and therefore, the present suit is barred under order 2 rule 2 CPC? OPD.

6. Whether the plaintiff has filed the present suit contrary to the liberty granted by the Court of Sh. Dharmender Singh, Ld DJ-01, West, Tis Hazari Courts and due to the said reason, the present suit is liable to be dismissed? OPD.

7. Whether the present suit is bad for non-joinder of necessary parties? OPD.
8. Whether the present suit is barred by limitation and is liable to be dismissed? OPD.
9. Whether the present suit for specific performance is liable to be dismissed, on the ground that the present suit has been filed on the basis of unregistered agreement to sell dated 16.11.2016? OPD.
10. Relief.

At this stage, Sh. Ashwani Kumar Mishra, Ld counsel for the plaintiff has appeared through VC and he has been apprised about closing his right regarding filing of replication and framing of issues.

Ld counsel for the plaintiff submits that the replication is ready but could not be filed as he could not get the signatures of the plaintiff on the replication and will file the same within 07 days.

Right of plaintiff to file replication has already been closed and issues has also already been framed.

Plaintiff is at liberty to file the replication with an appropriate application by supplying advance copy of the same to the defendant.

No other issue arise or pressed for.

Put up on **09.12.2025 for P.E.**

Parties are directed to file list of witnesses within 15 days from today. Ld counsel for the plaintiff is directed to supply advance copy of affidavit of witnesses to be examined on the NDOH, to Ld counsel for defendant, at least 10 days prior to the next date of hearing.

(SHIV KUMAR)
DJ-02 (W)THC:Delhi
25.07.2025