

Civ DJ/921/2019
SITARAM SHARMA
versus
SANTOSH VASHIST

08.10.2024

Present: Sh. Praveen Kumar Singh, Ld counsel for the plaintiff.
Sh. Virender Singh Saroha, Ld counsel for the defendant.

Amended memo of parties and affidavits of admission/denial of documents have been filed on behalf of the plaintiffs. Extra copy of the same are retained on record, for supplying to Ld counsel for the defendant.

Ld counsel for the defendant seeks some more time to file affidavit of admission/denial of documents. He is allowed to file the same within 14 days, by supplying advance copy to Ld. counsel for plaintiffs.

Ld counsel for the plaintiffs submits that he does not wish to file replication, in the present case.

In view of the above-said submissions, right of plaintiff to file replication stands closed and pleadings stand completed.

Both Ld counsels for the parties submit that there are no chances of settlement between the parties, due to pendency of multiple litigation between the parties.

Both Ld counsels pray to the court to frame issues in the present case.

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

ISSUES

1. Whether the plaintiffs are entitled for decree of possession, thereby directing the defendants to hand over the physical possession of suit property bearing no. 106A, ground floor, Madhuban Enclave, DDA, LIG Flats, Madipur, New Delhi-110063, as reflected in red colour in site plan attached with the plaint, to the plaintiffs? OPP.
2. Whether the plaintiffs are entitled for permanent injunction, thereby restraining the defendants and their representative from selling, transferring or creating third party interest on the abovesaid suit property? OPP.
3. Whether the plaintiffs are entitled to recover damages/mesne profits @ 15,000/- per month along with interest @ 12% per annum from the defendants w.e.f 26.02.2017 till the handing over possession of suit property to the plaintiffs. OPP.
4. Whether the plaintiffs have no locus standi to file the present suit as the plaintiffs have no right and authority in the suit property? OPD-1.
5. Whether the suit is time barred and liable to dismissed? OPD-2 to 4.
6. Relief

No other issue arise or pressed for.

Put up on **04.02.2025 for P.E.**

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

(SHIV KUMAR)
District Judge-02, Court no.127,
West Distt, Tis Hazari courts
Delhi: 08.10.2024