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CS DJ No. 69/23

Mukesh Kumar Sharma Vs Nirmala

CNR No. DLCT01-000877-2023

09.02.2024

File received by way of transfer pursuant to order no. 93035-93070/F.3(4)/ADJ/Gaz/2023 dt. 18.12.2023 passed by Ld. Principal District & Sessions Judge (HQs). It be checked and registered.

Present :- Ms. Anu Tyagi, Ld. Counsel for the plaintiff
alongwith plaintiff.
Sh. O.P. Aggarwal, Ld. counsel for defendant
alongwith defendant.

The application of the plaintiff U/o 7 Rule 14 (3)
R/w Section 151 CPC is pending consideration.

Vide the present application, the plaintiff basically seeks to place on record certified copies of certain proceedings filed between the parties herein before the different courts regarding the suit property i.e. amended written statement filed by the defendant herein in CS No. 1534/2020, Eviction Petition filed by the defendant herein bearing RC No. 378/2023 and Civil Suit no. 1063/2023 (plaint filed therein) filed by the defendant herein. The aforesaid documents are annexed alongwith the present application with a list of documents.

Ld. Counsel for the defendant submits that he does not wish to file any reply to the present application and fairly submits that without prejudice to the rights and contentions of the defendant, the defendant has no objection if the present application is allowed.

Heard.

As the documents sought to be filed are certified copies of court proceedings between the same parties and have

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been filed prior to the framing of issues, considering the no objection on behalf of the defendant, the application U/o 7 Rule 14 (3) R/w Section 151 CPC is allowed and the documents as aforementioned are taken on record.

Ld. Counsel for the plaintiff submits that no documents have been filed by the defendant so there is no requirement of affidavit of admission/denial qua the same on behalf of the plaintiff.

Ld. Counsel for the plaintiff further points out that three documents were filed alongwith the replication by the plaintiff and the affidavit of admission/denial filed on behalf of the defendant does not make any mention of said documents.

Ld. Counsel for the defendant submits that in so far as the documents annexed with the replication and the additional documents (filed by the plaintiff) taken on record today are concerned, the defendant is willing to make her statement on oath regarding admission/denial thereof.

Accordingly, the statement of the defendant regarding admission/denial of documents filed by the plaintiff alongwith the replication and the documents filed by the plaintiff alongwith the application U/o 7 Rule 14 (3) CPC has been recorded.

In view of the affidavit of the defendant regarding admission/denial of documents and her statement on Oath of admission/denial of the additional documents recorded today, the exhibit marks as Ex.P1 to Ex.P6 colly have been put on the admitted documents of the plaintiff.

The pleadings are complete.

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On the basis of pleadings and documents on record, the following issues are framed -

- (1) Whether the plaintiff has no locus standi to file the present suit ? OPD
- (2) Whether the present suit is barred under Sections 115 and 116 of the Indian Evidence Act in view of preliminary objection no. 4 of the written statement ? OPD
- (3) Whether the present suit has not been properly valued for the purpose of court fees and jurisdiction, if so effect ? OPD
- (4) Whether the suit of the plaintiff is bad for non-joinder of necessary parties in view of preliminary objection no. 9 of the written statement ? OPD
- (5) Whether the plaintiff is entitled to a decree of declaration as sought in prayer clause (a) of the plaint ? OPP
- (6) Whether the plaintiff is entitled to a decree of possession as sought in prayer clause (b) of the plaint ? OPP
- (7) Whether the plaintiff is entitled to a decree of permanent injunction as sought in prayer clause (c) of the plaint ? OPP
- (8) Whether the plaintiff is entitled to a decree of permanent injunction as sought in prayer clause (d) of the plaint ? OPP
- (9) Whether the plaintiff is entitled to a decree of permanent injunction as sought in prayer clause (e) of the plaint ? OPP
- (10) Whether the plaintiff is entitled to a decree of compensation/damages as sought in prayer clause (f) of the plaint, if so at what rate and for what period ? OPP
- (11) Relief.

No other issue arises or is pressed for.

List the matter for plaintiff's evidence. List of witnesses be filed by both the parties by the next date of hearing

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with advance copy to the opposite party.

Affidavits of evidence of all the witnesses of the plaintiff be filed by the next date of hearing with advance copies to Ld. Counsel for the defendant.

Put up for PE on **20.05.2024.**

(Anjani Mahajan)
ADJ-12 Central, THC,
Delhi/09.02.2024