

CS No.12914/2016
Sahib Singh Chaudhary Vs. Laxmi

21.12.2017

Present: None.

Defendant had moved an application under Order 14 Rule 5 CPC arguments on which were heard on the last date of hearing.

By way of this application defendant wants to get framed one additional issue to the effect “Whether the plaintiff is holding the property as benamidar and defendant is the real owner? OPD”

There is no need to frame this additional issue as this issue would automatically be covered under issue no. 1 where plaintiff is required to prove his entitlement to the suit property wherein defendant's plea that she is the real owner and plaintiff is holding property as benamidar shall necessarily be dealt with and if defendant is found to be the real owner and such plea of benamidar can be legally raised then issue no. 1 will definitely be decided against the plaintiff, hence, application is without merit and accordingly dismissed.

Put up for judgment at 4:00 pm.

(Harish Kumar)
ADJ-13 (Central)
THC, Delhi/21.12.2017

At 4:00 pm

Present: None.

Vide separate judgment dictated and announced in the open Court, suit of the plaintiff has been allowed and a decree of possession of

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the suit property i.e. J-1/72, Second Floor (left side portion), Gupta Colony, Khirki Extension, New Delhi-110 017 comprising of three bed rooms, drawing/dining, kitchen, two bathrooms and basement (north portion) as duly shown in site plans Ex. PW1/X and PW1/Y respectively, has been passed in favour of the plaintiff against the defendant.

A decree of damages @ Rs.20,000/- per month w.e.f. 17.01.2008 till the delivery of the possession of the suit property has been passed in favour of plaintiff against the defendant.

A decree of permanent injunction has been passed in favour of the plaintiff and against the defendant thereby restraining the defendant, her agents, servants, associates, representatives, assign, attorney in any manner causing any damage or transfer, alienation including carry out any addition, alteration including any third party interest or from parting with, selling, alienation, assigns and creating any third party interest of any nature in the said property qua title and possession. Defendant is further restrained to raise any additions/alterations or to do any construction activity of any nature.

Cost of the suit is also awarded in favour of the plaintiff.

Decree sheet be prepared accordingly after payment of court fee on the quantum of damages awarded.

File be consigned to Record Room after necessary compliance.

**(Harish Kumar)
ADJ-13 (Central)
THC, Delhi/21.12.2017**