

BALVIR KAUR VS SUKHWINDER KAUR @ SOMA etc.

Present: Sh. Naveen Kumar Garg Advocate counsel for plaintiffs.
Sh. AK Mehta, Advocate counsel for defendants No.1 to 5.
Sh. PS Chhahar, Advocate counsel for defendant No.6.

Written statement not filed by defendant No.6. Perusal of the file shows that defendant No.6 has appeared on 1.05.2023 and since then, case has been pending for filing written statement by defendant No.6 but it has not been filed till date despite availing effective opportunities. Further, statutory period of 90 days has already elapsed and no further justification is made out to grant another date for filing written statement by defendant No.6. Accordingly, defence of defendant No.6 stands struck off.

Replication not filed. No opportunity is justified for filing replication. Now pleadings are complete. From the pleadings of the parties the following issues are framed:-

1. Whether plaintiff is entitled for separate possession as prayed for? OPP
2. Whether plaintiff is entitled to the relief of Permanent Injunction as prayed for? OPP
3. Whether plaintiff has no locus standi to file the present suit? OPD
4. Whether the suit of the plaintiff is not maintainable in the present form? OPD
5. Whether plaintiff is estopped from the filing the suit by his act and conduct ? OPD
6. Whether plaintiff has not come to the court with clean hands? OPD.
7. Whether plaintiff has not file proper court fee and suit of the plaintiff is liable to be dismissed? OPD
8. Whether the suit of the plaintiff is bad for mis-joinder and non-joinder of necessary parties? OPD
9. Whether defendant is entitled to recovery of compensatory cost Rs.50,000/- under-section 35-A CPC from the plaintiff ?
10. Relief.

No other issue arises or is pressed. Onus not disputed. The plaintiff is directed to file the process fees and diet money and the list of witnesses within a fortnight failing which no assistance for procuring presence on any witness will be provided by the court. Now to come up on **09.07.2024** for plaintiff evidence and consideration on stay application.

Date: 27.05.2024
(Umit Steno-III)

Manpreet Kaur
CJ(JD)/Barnala
UID PB0403