

State Bank of India Vs. Harpal Kaur & Oth.

Present: Sh. BS Cheema Advocate counsel for plaintiff.
Sh. PS Aulakh Advocate counsel for defendants.

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

1. Whether the plaintiff is entitled to get relief of recovery of Rs. 2,99,304/- as alleged by plaintiff from the defendants ? OPP
2. Whether the plaintiff is entitled for interest besides amount of Rs. 2,99,304/- from defendants as alleged by plaintiff ? OPP
3. Whether the plaintiff is entitled to get preliminary mortgage decree u/o 34 rule 4 CPC, 1908 for the recovery of Rs. 2,99,304/- alongwith of cost etc. of the suit and interest pendente lite and future interest @ 11.55 % and @ 7 % P.A., as alleged by plaintiff ? OPP
4. Whether the plaintiff is entitled to get final mortgage decree u/o 34 rule 5 CPC, 1908 as alleged by plaintiff ? OPP
5. Whether plaintiff has no locus standi to file the present suit ? OPD
6. Whether plaintiff is estopped from filing the present suit due to his own act and conduct ? OPD
7. Whether the present suit is not maintainable in the present form ? OPD
8. Whether the present suit is not filed within the period of limitation ? OPD

9. Whether the present suit has not been filed by duly authorized person on behalf of plaintiff ? OPD

10. Relief.

No other issues arises or pressed. PF/DM/List of witnesses be filed within 5 days. Now to come upon 01.03.2023 for evidence of the plaintiff.

Date of Order: 21.02.2023
(*ShekharK Steno-III*)

Sukhmit Kaur, PCS
CJJD/Barnala
UID No. PB-0-682