

16.12.2023

Present: Son of the plaintiff in person alongwith Ld. counsels Ms.Sonia A. Menon (joined through VC) and Ms. Vanita Chauhan in person.
D-1 is represented by Ld. counsel Shri Vidit Gupta.
D-2 is represented by Ld. counsel Shri A.K. Bhasin.

Admission/denial of documents filed on behalf of the D-1 & D-2 is done by the plaintiff by way of affidavit. Affidavit of admission/denial is taken on record.

Ld. counsel for the D-1 submits that he does not wish to file any affidavit of admission/denial as he denies all the documents on record.

Pleadings have been completed. On the basis of the pleadings, following issues are framed for consideration:-

ISSUES:-

- 1) Whether the plaintiff is entitled for a decree of possession against the defendants in respect of Shop No.8, E-16/915, Ganesh Gali No.3, Tank Road, Karol Bagh, New Delhi-110005? OPP
- 2) Whether the plaintiff is entitled for a decree of permanent injunction as prayed in the Prayer (b) of the prayer clause? OPP
- 3) Whether the plaintiff is entitled for a decree of mesne profits at the rate of Rs. 15000/- per month from the date of institution of the suit till handing over of the possession of suit property with interest @ 12% per annum as prayed in the Prayer (c) of the prayer clause? OPP
- 4) Whether there is no cause of action qua the D-1? OPD1
- 5) Whether the D-1 was ousted from the suit property in the month of March 2022? OPD1

- 6) Whether the plaintiff is the owner of the suit property? OPP
- 7) Whether there was the relationship of landlord and tenant between the plaintiff and the D-1? OPD2
- 8) Whether the D-2 exercises his independent right of possession over the suit property since 03.04.2005? OPD2
- 9) Whether the present suit is bad for non-joinder of necessary parties i.e. Military Estate Office, Delhi Cantonment?OPD2
- 10) Whether the present suit is barred by limitation? OPD2
- 11) Whether the present suit is a collusive suit between the plaintiff and the defendant No.1? OPD2
- 12) Whether the D-2 has become the owner of the suit property on the basis of adverse possession? OPD2
- 13) Relief.

No other issue arises or pressed upon by the parties.

Let the list of witnesses alongwith evidence by way of affidavit be filed in advance with copy to the opposite side.

Put up for P.E on **21.05.2024.**

(Rajesh Malik)
ADJ-06, Central, THC Courts,
Delhi/16.12.2023