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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CS(OS) 446/2022 & I.A. 12180/2022**

RAVINDER SINGH & ANR

.....Plaintiff

Through: Mr. Sunil Kumar, Mr. Vijay Pal
Singh, Mr. Yogesh Kumar, Advocates

versus

M/S J V MERCANTILE PRIVATE LIMITED & ORS.

.....Defendants

Through: Mr. V.P. Rana, Ms. Jyoti Nambiar,
Advocates for D-6 and 7.

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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14.11.2024

1. With the assistance of the parties, the following issues have been framed:

- i. Whether the Plaintiffs have any locus standi to file and maintain the present suit? **(OPP)**
- ii. Whether the Plaintiffs have right of possession of over the suit property? **(OPP)**
- iii. Whether the Plaintiffs are entitled for the damages against the defendants? **(OPP)** If so, at what rate and for what period.
- iv. Whether the Defendants are jointly and severally liable to pay damages to the Plaintiffs? **(OPP)**
- v. Whether suit of the Plaintiffs is barred by limitation? **(OPD & 7)**
- vi. Whether suit has not been valued property and separately qua each of the prayers made in the plaint and whether requisite court fees, in accordance with correct valuation, has not been paid? **(OPD 6 & 7)**
- vii. Whether, in the absence of acquiring ownership rights in accordance with law by the Plaintiffs, Plaintiffs has no locus and cause of action to seek the relief in the suit qua the suit



- property? **(OPD 6 & 7)**
- viii. Whether deposit of loan amount by the Plaintiffs with the bank has not enured/given any title in respect of the suit property in favour of the Plaintiff, in the absence of sale certificate, having been issued as a result of auction, in the recovery proceedings before the DRT? **(OPD 6 & 7)**
 - ix. Whether defendant no. 6 and 7 are bona-fide purchaser of the suit land? **(OPD 6 & 7)**
 - x. **Relief and costs**
2. No other issue was pressed by the parties.
 3. The parties are directed to file their respective list of witnesses within four (4) weeks and plaintiff shall file its evidence by way of affidavit within two (2) weeks.
 4. Learned counsel for the plaintiff states that the plaintiff is claiming possessory rights in the suit property in pursuance to the order dated 31.07.2012 and 25.10.2013 passed by the Debt Recovery Tribunal ('DRT'). He states that the plaintiff has stepped into the shoes of the mortgagee and the defendant nos. 6 and 7 have rights of a mortgagor.
 5. He states that the plaintiff has paid a sum of Rs. 3.6 crores approximately on behalf of the original owner i.e., defendant no. 1 and the said amount has admittedly not been returned to the plaintiff.
 6. The submissions of the plaintiff are taken on record and the evidence shall be led by the parties in the background of this admitted stand of the plaintiffs.
 7. Learned counsel for defendant nos. 6 and 7 states that defendant nos. 6 and 7 have not paid the sum of Rs. 3.6 crores to the plaintiff as it is the stand of defendant nos. 6 and 7 that they are not liable in law to return this money.
 8. The plaintiff states that he does not have the wherewithal to bear costs



of recording of evidence through a Local Commissioner.

9. List before the learned Joint Registrar (J) for fixing the dates for recording of evidence on **28.01.2025**.

MANMEET PRITAM SINGH ARORA, J
NOVEMBER 14, 2024/mt/MG

Click here to check corrigendum, if any