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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CS(OS) 157/2018

INDRA JAIN

..... Plaintiff

Through: Mr. Vikrant N. Goyal & Mr.
Manoranjan Sharma, Advocates (M-
9953228888)

versus

HEMISH NAGPAL

..... Defendant

Through: Dr. Seema Singhal & Mr. Rajeshwar
Rao, Advocates for D-1 (M-
8447929809).
Mr. R.K. Singh & Ms. Neha Kansal,
Advocates for D-2 to 6 (M-
9717030721)

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

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08.07.2019

After hearing the parties, the following issues are framed in the suit:

- i. *Whether the suit is barred by limitation? OPD.*
- ii. *Whether the Plaintiff is guilty of concealment of material facts as the Plaintiff was well aware of the sale deed executed between Defendant No.1 and Defendants No.2 to 6 dated 5th April, 2018? OPD*
- iii. *Whether the property in question is an undivided property of the Plaintiff – Mrs. Indra Jain and her uncle – Mr. Mahinder Singh, whose share was purchased by Mr. Hemish Nagpal? OPP*
- iv. *Whether the property in question could be sold by Defendant No.1 without taking no objection of the Plaintiff? OPD*



- v. *Whether the Plaintiff had expressed an intention not to purchase the suit property vide e-mail dated 11th March, 2018? OPD*
 - vi. *Whether the suit is not maintainable in view of the fact that the property was sold prior to the institution of the suit? OPD*
 - vii. *Whether the property in question could be sold without permission from the lessor in view of the terms and condition of perpetual lease deed dated 3rd June, 1943? OPD*
 - viii. *Whether the agreement to sell between Defendant No.1 and Defendants No.2 to 6 is a forged and fabricated document and null and void? OPP*
 - ix. *Whether the Defendants No.2 to 6 are bona fide purchasers of the suit property? OPD*
 - x. *Whether the sale deed dated 5th April, 2018 registered on 16th April, 2018 is in violation of the order dated 13th April, 2018 passed by this Court? OPP*
 - xi. *Whether the sale deed is illegal and not binding and is liable to be cancelled? OPP*
 - xii. *What is the market value of the suit property? OPP*
 - xiii. *Whether the Plaintiff is entitled to injunction and cancellation of the sale deed and other reliefs as sought? OPP*
 - xiv. *Whether the penalties which might be levied by the Delhi Development Authority (Lessor), Revenue Department, Income Tax or any other Government body are to be borne by Defendant No.1 or Defendant No.2 to Defendant No.6? OPD*
 - xv. *Costs.*
- Parties shall file their lists of witnesses within four weeks. Plaintiff to



file its affidavits-in-evidence within 8 weeks from today.

There appears to be a possibility of resolution of the disputes in mediation. List before the Delhi High Court Mediation and Conciliation Centre on 19th July, 2019 at 3:00 pm.

List before the Joint Registrar for recordal of evidence on 18th September, 2019.

List before Court on 1st November, 2019.

PRATHIBA M. SINGH, J.

JULY 08, 2019

Rahul