

COMS No. 28 of 2018.

26.08.2021 Present: Mr. Rahul Mahajan, Advocate, for the plaintiff.

Mr. Janesh Gupta, Advocate, for defendant No.1.

Mr. Vinod Chauhan, Advocate, for defendant No.2.

Heard. With the consent of learned counsel appearing for the parties, the proceedings as drawn in the extant case be treated as the proceedings drawn in a Civil Suit and it be registered as a Civil Suit in stead of a Commercial Civil Suit.

On the pleadings of the parties, the following issues are struck:-

1. Whether the plaintiff is entitled to a decree of specific performance of agreement to sell dated 12.5.2017 and to put plaintiff in possession of the suit land, as prayed for?
.....OPP
2. Whether the plaintiff is entitled to a decree of mandatory injunction to provide all documents/material/affidavits for obtaining permission under Section 118 of the H.P. Tenancy and Land Reforms Act, 1972, as prayed for?
.....OPP.
3. Whether the plaintiff is entitled to a decree of permanent prohibitory injunction restraining the defendants from alienating, transferring and changing the nature character of the suit land, and, creating any charge on the suit land, as alleged?
.....OPP
4. Whether the suit as filed by the plaintiff against defendant No.1 is neither competent nor maintainable, as there is no privity of contract , as alleged, if so, its effect?OPD-1.
5. Whether defendant No.1 is not bound by the agreement to sell dated 12.05.2017 executed inter se the plaintiff and defendant No.2, as the alleged GPA is the result of manipulation, fabrication and collusion amounting to practicing fraud also being

result of collusion between plaintiff and defendant No.2, as alleged, if so, its effect?OPD-1.

6. Whether the plaint has not been legally and properly verified, if so, its effect?OPD.
7. Whether the suit has not been filed through competent/authorised person, as alleged, if so, its effect?OPD.
8. Whether the plaintiff has not approached the Court with clean hands, as alleged, if so, its effect?OPD-1.
9. Whether the plaintiff is estopped to file the suit on account of its acts, deed and acquiescence, as alleged, if so, its effect?OPD-2.

Issues are readover and explained to the parties.
No other issue arises nor claimed.

On steps being taken within two weeks from today, the matter be listed for recording of depositions of the plaintiff's witnesses before the court on a date to be fixed by the Registry of this Court.

(Sureshwar Thakur)
Judge.

26th August, 2021.
(jai)