

Kiran Vs. Varun Mittal etc.

Present: Sh. Deepak Seth, Advocate for plaintiff.
Sh. Sanjeev Gupta, Advocate for defendants.

Arguments on stay application not advanced. Ld. counsel for both the parties were asked to opt for settlement of dispute outside the court by adopting one of the alternate dispute resolving procedure as prescribed under section **89 of CPC** but Ld. counsels have stated that they do not want to opt for any of these modes of alternative dispute resolving procedure and would like to get the dispute adjudicated from the court. After hearing the arguments as well as going through the pleadings of both the parties, the following issues are hereby framed in the present suit:

1. Whether the plaintiff is entitled to the decree for injunction to the effect that the defendants permanently now or in future from interfering into the peaceful possession of the plaintiff as owner over the suit property as prayed for? OPP
2. Whether the present suit is not maintainable in the present form? OPD
3. Whether the plaintiff is estopped from filing the present suit by his own act and conduct? OPD
4. Whether the plaintiff has not come with clean hands to file the present suit and suppressed the true and material facts from Hon'ble court? OPD
5. Whether the present suit is bad for non-joinder of necessary parties? OPD
6. Relief.

No other issue is pressed or claimed. Onus not objected to. Now, to come upon **13.08.2024** for the evidence of the plaintiffs, at own responsibility. Ld. counsel for the plaintiff is directed to file the List of witnesses, PF and DM etc. within seven days, failing which the evidence of plaintiff shall be brought at own responsibility. However, it

is made clear that three opportunities will be given to both the parties to lead their evidence as clear from the amended provisions of CPC. **The parties shall present (in the court) a list of witnesses, whom they want to call either to give evidence or to produce documents and obtain summons of such persons for their attendance in the court.** It is further directed both the parties should supply the copy of affidavits as well as documents etc. (tendered in evidence) to the opposite party (well before seven days) so that the cross-examination may not defer on this ground alone. **Arguments on stay application be also heard on the date fixed. Till then both the parties are directed to maintain status quo regarding possession upon suit property.**

Date of Order:16.07.2024
Vidika, Stenographer Gr.II

(Prince Kumar),
CJ(JD)/JMIC, Kaithal,
(UID No.HR-0605)