

Present: Sh. Rajesh Sharma, Counsel for petitioner.
Sh. Vivek Chaudhary, Counsel for respondents.

Reply to petition filed.

Rejoinder not filed. Ld. counsel for petitioner requested for framing of issues. Heard. On going through the case file, it is seen that pleadings of the case are already complete. Thereafter, counsel for the parties were asked to opt for settlement of dispute outside the court by adopting one of the alternative dispute resolving procedure as prescribed under Section 89 of CPC, but the counsel for the parties have stated that they do not want to opt for any of these modes of alternative dispute resolving system and would like to get the dispute adjudicated from the Civil Court. So, from the pleadings of the parties, the following issues are framed for adjudication :

1. Whether the petitioner is entitled for an order of ejectment from the open land as mentioned in para no. 2 of the petition as prayed for?
OPP
2. Whether the petitioner has not come to the court with clean hands ?
OPR
3. Whether the petitioner is bad for mis joinder of parties ? OPR
4. Whether the petitioner has no cause of action to file the present petition ? OPR
5. Relief.

No other issue is pressed or claimed by either side. Onus not objected to. Now, case is adjourned to 07.05.2025 for evidence of the

plaintiff. PF, DM and list of witnesses, if any be filed within 15 days. Learned counsel for the plaintiff is directed to produce his witnesses on date fixed and to give copy of affidavit in advance to opposite party of the witnesses, atleast 4 days prior to the date fixed, so that on the date fixed, cross-examination of the witnesses can be done. Learned counsel for the plaintiff is also directed that he will be having only three opportunities to produce his evidence.

Himanshu Arya
CJ(JD), Rohtak
(UID No.HR0681)

Date of Order : 19.02.2025

sumit