

KALPNA DEVI D/O NATHI SINGH VS DINESH SINGH S/O NATHI SINGH etc.

Present: Sh. L.K. Raghav, Advocate for the plaintiff.
Defendant no.1 exparte vide order dated 18.04.2024.
Sh. Mayank Kumar, Advocate for applicant/defendant no.2.
Defendant no. 3 exparte vide order dated 17.04.2023.

Heard. From the pleadings of the parties following issues are framed:

1. Whether the plaintiff is entitled to a decree of declaration to the effect that the WILL bearing Vasika No. 254/3 dated 26.06.2013 registered at the office of sub registrar, Ballabgarh and its subsequent mutation bearing No. 5841 dated 19.09.2022 are illegal, null and void, ab-initio nonest as prayed for?OPP
2. Whether the plaintiff is entitled to a decree of permanent injunction to the effect that restraining the defendants in transferring, alienating, selling, dispossessing, mortgaging, renting or leasing out the suit property or in creating any third party interest or charge thereon as prayed for?OPP
3. Whether the suit of the plaintiff is not maintainable in the present form?OPD
4. Whether the plaintiff has no cause of action and locus standi to file the present suit?OPD
5. Relief.

No other issue is pressed or claimed. Onus is not objected. Case is adjourned to **18.11.2024**, for evidence of the plaintiff. PF, DM and list of witnesses be filed within ten days failing which the parties will have to bring the evidence on their responsibility without any assistance of court. Examination-in-chief of the private witnesses shall be in the shape of affidavits. Copies of affidavits of the witnesses be furnished to the opposite counsel well in advance. It is further made clear that in case either the plaintiff or defendant, during his evidence, wants to examined himself/herself then as per Order 18 Rule 3A CPC he will examined first i.e. he be examined before any other witness.

Date of Order: 2024-09-24
Priyanka
Next Date: 18-11-2024

(Purna Arya)
Civil Judge (Junior Division)
UID NO . HR00658

Purpose: