

16.10.2018

Present: Sh. Sanjay Kathuria, counsel for the plaintiff with plaintiff.

Sh. Rajiv Shankar Dwivedi, counsel for defendant.

Pleadings are complete. From the pleadings of the parties, the following issues are framed :

1. Whether the suit of the plaintiff is not maintainable as there is two registered wills in favour of the defendants?OPD

2. Whether the suit is barred U/o. 2 R 2 CPC and O. 23 R 1 CPC?OPD

3. Whether the suit is bad for non joinder of necessary party?OPD

4. Whether the suit is barred by limitation?OPD

5. Whether the plaintiff is entitled for decree of possession of the suit property?OPP

6. Whether the plaintiff is entitled of declaration in favour of the plaintiff and against the defendants to the effect that declaring the marriage certificate dated 20.5.1988 as null and void?OPP

7. Whether a decree of declaration in favour of the plaintiffs and against the defendants to the effect that declaring the alleged agreement/receipts dated 12-13 january, 1988 as null and void?OPP

8. Whether a decree of declaration in favour of the plaintiffs and against the defendants to the effect that

declaring the will dated 24.6.1996 registered before the office of Sub-Registrar vide document no. 28983 vol. no. 1526 Book no. 3, on pages 111 to 115 as null and void?OPP

9. Whether a decree of rendition of account in favour of the plaintiffs and against the defendants by directing the defendants to furnish the accounts of rent received from the tenants and the moveable properties of gold and 1.5 kg of silver as well as FDRs and other bank accounts of the deceased Tekchand and return the same to the plaintiffs.

10. Whether a decree of damages / mesne profits in favour of the plaintiffs and against the defendants thereby directing the defendants to pay the mesne profits / damages @ Rs. 10,000/- per month to the plaintiffs from the date of filing of the suit till the recovery of possession for the use and occupation by the defendants.

11. Whether a decree of permanent injunction in favour of the plaintiff and against the defendants thereby restraining the defendants and their associates, employees servants, attorney etc. permanently from making any kind of addition, alternation or construction in property bearing no. 32, situated at village Samaspur, PO Patparganj, Delhi i.e. suit prperty. More specifically shown in red/green colour in site plan and also from transferring the same in any manner to any third party interest by way of sale, sub letting or otherwise by parting with the possession of the ame in this interest of justice.

12. Relief.

No other issue is arises or pressed.

Put up for PE on 23.01.2019. The plaintiff is directed to supply the copy of his affidavit to the opposite party at least 10 days before the next date of hearing.

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(SIDHARTH SHARMA)
ADJ-03(E):KKD:DELHI/16.10.2018