

25.05.2022

Present: Sh. Kuldeep Sharma proxy counsel for plaintiff.
Sh. H. Kaushal for defendant no. 5
None on behalf of D1 to D4.

Adjournment sought on behalf of the proxy counsel for plaintiff.

Perusal of the record reveals that the plaintiff has filed suit for partition and other reliefs and the gist of the case is, Late Smt. Shakuntala was the mother of plaintiff as well as D1, D3 and D4 was the owner of the property in dispute. In the Written Statement filed on behalf of the D1 and D2, it has been denied that the mother of the plaintiff as well as D1, D3 and D4, Smt. Shakuntala was the absolute owner of the property in dispute.

The plaintiff has filed her examination-in-chief by way of affidavit. In the entire examination-in-chief, it has not been deposed as to on the basis of which document Smt. Shakuntala Devi was the owner of the property in dispute and in her cross-examination done on 03.09.2014, the plaintiff deposed that the plaintiff did not have the documents of the suit property and that all the documents are in the possession of D1.

As the suit filed by the plaintiff in that of partition and it is the plaintiff who has approached the Court, the burden of proof lies on

the plaintiff to prove each and every material fact on the basis of which the plaintiff has sought reliefs from the Court. If it is the claim of the plaintiff that it was the mother of the plaintiff who was the owner of the suit property, the burden lies on the plaintiff to prove said fact before the plaintiff can be held to be entitled the relief of partition.

As the main counsel of the plaintiff is not available today. Matter is adjourned for consideration on the said aspect on the NDOH and also plaintiff is directed to appear in person on NDOH.

Put up for consideration/plaintiff evidence on 14.09.2022.

(VIJAY KUMAR JHA)

Addl. District Judge-02 (East)

Karkardooma Courts/ 25.05.2022