

23.02.2023

Pr: Ms. Sonia Arora, counsel for the plaintiff.
Sh. K.K. Lal, LAC for D1 and D2 with D1.
None for D3.

Perusal of record shows that defendant No.3 after service of summons appeared before the court on 06.12.2021 but despite several opportunities, WS on behalf of D3 has not been filed. On the last date of hearing, last opportunity was granted to D3 to file WS within fifteen days but WS was not filed. Hence right to file WS on behalf of D3 is closed and her defence is struck off.

Pleadings are complete. On the basis of pleadings of parties, the following issues are hereby framed.

ISSUES

- 1. Whether the plaintiff is entitled to a decree of declaration thereby declaring that plaintiff is entitled to 1/4th share in the suit property i.e. Ground floor and First floor of property bearing No. C-10, Shashi Garden, Gali No.3, Mayur Vihar, Ph-1 Delhi-92? OPP***
- 2. Whether the plaintiff is entitled to a decree of partition in the suit property i.e. Ground floor and First floor of property bearing No. C-10, Shashi Garden, Gali No.3, Mayur Vihar, Ph-1 Delhi-92? OPP***
- 3. Whether the plaintiff is entitled to a decree of permanent injunction against the defendants, as prayed for? OPP.***

4. Whether the defendant No.1 and 2 proves that the plaintiff has suppressed material facts from the court and has not come to the court with clean hands and has filed the suit on the basis of false facts? OPD 1 and 2.

5. Whether the defendant No.1 and 2 proves that late Sh. Satdev Singh executed a WILL dt. 01.10.2017 in favour of D1 ? OPD 1 and 2'

6. Whether defendant No.1 and 2 proves that plaintiff has not valued the suit correctly and has paid deficient court fee? OPD 1 and 2

7. Relief.

No other issue arises nor pressed for nor onus of proof objected to. Both the sides to file their list of witnesses within 15 days from today. Plaintiff to file his evidence by way of affidavit with advance copy to the opposite side.

Put up for PE on 24.05.2023.

Rajesh Kumar
ADJ-03(East)
KKD Courts-23.02.2023