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CS 408/20

MEENU Vs. PINKI

12.09.2024

Present : Sh. Purushottam Kumar, Ld. Counsel for the plaintiff with plaintiff.
Sh. Soban Singh Rawat, Ld. Counsel for the defendant no. 1 and 3.
Sh. Ankush Bansal, Ld. Counsel for the defendant no.2.
Sh. Ashutosh Mishra, Ld. Counsel for defendant no.4 alongwith defendant no.4
Sh. Rudresh Akshay Sain, Ld. Counsel for the defendant no.7/DDA.

Affidavit of admission denial of documents is filed on behalf of plaintiff. Affidavit of admission-denial of documents is filed on behalf of the defendant no. 4. No documents have been admitted by either of the parties.

Perusal of the record shows that written statement on behalf of the defendant no. 1 and 3 have not been filed till date. Accordingly, the right of the defendant no. 1 and 3 to file written statements is hereby closed.

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

(i) Whether the plaintiff is entitled to the decree of declaration in favour of the plaintiff and against the defendants

thereby declaring the registered Will dated 05.02.2020 executed by late Smt. Sita Devi and registered Will dated 05.02.2020 executed by late Sh. Babu Singh and registered conveyance deed dated 21.08.2020 executed in favour of defendant no.4 as null and void and cancelled? OPP

(ii) Whether the plaintiff is entitled to the decree of preliminary decree of partition in favour of the plaintiff and against defendants no. 1 to 4 thereby declaring that the plaintiff along with defendants no. 1 to 4 are entitled to 1/5th share each in the properties described as bearing no. M-12, Pkt.2, EHS Mix Housing Mayur Vihar, Delhi and property/flat no. 21-P, Pocket-, EHS Flat, Mayur Vihar, Phase-3, Vasundhara Enclave, S.O. East, Delhi-110096? OPP

(iii) Whether the plaintiff is entitled to a final decree of partition in favour of the plaintiff and against the defendants no. 1 to 4 thereby partitioning the property described as bearing no. M-12, Pkt.2, EHS Mix Housing Mayur Vihar, Delhi and property/flat no.21-P, Pocket-, EHS Flat, Mayur Vihar, Phase-3, Vasundhara Enclave, S.O. East, Delhi-110096 by metes and bounds in accordance to the share declared under the preliminary decree of partition? OPP

(iv) Whether the plaintiff is entitled to the decree of possession in favour of the plaintiff and against the defendants no. 1 to 4 as prayed in prayer clause (c)? OPP

(v) Whether the plaintiff is entitled to the decree of permanent injunction in favour of the plaintiff and against the defendants as prayed in prayer clause (d)? OPP

(vi) Whether the plaintiff is entitled to the decree of mandatory injunction in favour of the plaintiff and against defendant no. 5 as prayed in prayer clause (e)? OPP

(vii) Whether the present suit has been undervalued for the purpose of jurisdiction and court fees qua relief of declaration, partition and possession and whether deficient court fees has been affixed? OPD

(viii) Relief.

No other issue arises or is pressed for in the pleadings nor onus of issues is disputed.

At this stage, both the parties submit that they wish to amicably settle the dispute qua retirement benefit of late Smt. Sita Devi, mother of plaintiff and defendant no. 1 to 4, and requests that the matter be referred to the mediation centre for exploring the possibility of the amicable settlement in respect of retirement benefits of late Smt. Sita Devi.

Accordingly, at joint request, the matter is referred to the mediation centre, East, KKD Courts, Delhi for **18.09.2024 at 2.00 PM.**

Put up for recording of settlement, if any/PE on **22.10.2024.**

(SOMITRA KUMAR)
DJ-06,EAST/ KKD COURTS
DELHI/12.09.2024 (s)