

DAYAL CHAND DUA Vs. JAGDISH CHAND DUA @ MITH @
JOHNSON

03.09.2024

Pr: Sh. Sachin Sharma and Sh. Ravish Dua, Id. Counsels for the plaintiff
with plaintiff.

Ms. Charu Sharma, Id. Counsel for defendant No.1

None for defendant No.2.

Vide order dt. 19.02.2024, right to file the WS on behalf of defendant
No.2 is closed.

*D2 has opted not to appear before the court in the present case,
therefore, D2 is hereby proceeded as exparte.*

All other defendants have already made statement in the court wherein
they stated that they have no share in the suit property.

Affidavit for admission/denial of documents has already been filed on
behalf of both the parties, according to which plaintiff has denied all the
documents filed by defendant. Defendant has also denied all the documents
filed by the plaintiff.

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

ISSUES

- 1. Whether the plaintiff proves WILL dt. 08.03.2018
executed by deceased father Sh. Khilanda Ram Dua
in favour of plaintiff and D1 & D2? OPP*
- 2. Whether the plaintiff is entitled for decree of
partition as prayed for? OPP*

- 3. Whether the plaintiff is entitled for decree of permanent injunction, as prayed for? OPP*
- 4. Whether the plaintiff is entitled for mesne profit as prayed? OPP*
- 5. Whether the suit of plaintiff is not properly valued for purpose of court fee? OPD1*
- 6. Whether the defendant No.1 proves that an oral partition had already been done in the year 1985? OPD1*
- 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 07.10.2024.

(Pooja Jain)
District Judge-03
Court Room No. 206, N/B
East District, KKD Courts
Delhi. 03.09.2024