

CS163/23
DAYA GUPTA Vs. MANJU AND ORS

27.03.2024

Present: Sh. Ram Kanwar, ld. counsel for plaintiff.
Ms. Priyanka Agarwal, ld. Counsel for defendant no. 1(a),1(b), 1(d),1(e) and defendant no. 2.
Sh. Manoj Kumar, ld. counsel for defendant no.3(b).
None for other defendants.

Replication not filed qua the WS of defendant 3(b). No explanation given. Opportunity closed.

WS filed on behalf of defendant no. 1(a),1(b), 1(d),1(e) and defendant no. 2 on 04.03.2024. Heard. Vide order dated 15.02.2024, two weeks time was granted to file the WS. There is a little delay in filing the WS. In the interest of justice and considering the pleadings, the delay is condoned. Copy already supplied. Replication not filed. Opportunity closed.

WS not filed on behalf of defendant no. 1(c), 3(a) and 3(c) despite the lapse of statutory period. The right to file the WS of defendant no. 1(c), 3(a) and 3(c) is hereby closed.

Pleadings stands completed.

Considering the pleadings, the admission/denial of document would not be of any consequence, at this stage. The parties are at liberty to prove their respective documents, as per law, during trial.

From the pleadings of the parties, following issues are framed as under :

- (i) Whether the plaintiff is entitled to preliminary decree of partition, as prayed for ? OPP
- (ii) Whether the plaintiff is entitled to final decree of partition, as prayed for ? OPP
- (iii) Whether the plaintiff is entitled to decree of declaration, as prayed for ? OPP
- (iv) Whether the plaintiff is entitled to decree of possession, as prayed for ? OPP
- (v) Whether the plaintiff is entitled to decree of permanent injunction, as prayed for ? OPP
- (vi) Whether the plaintiff is entitled to decree of mandatory injunction, as prayed for ? OPP
- (vii) Whether the deceased defendant no.1 and defendant no. 2 owners of suit property ? OPD
- (viii) Relief.

No other issue arises or is pressed by the parties at this stage. List of witnesses be filed by the parties within fifteen days. Affidavit(s) of the plaintiff's witness(es) be filed within two weeks with advance copy to the opposite party against receiving two days prior to the next date of hearing.

Put up for PE on 14.05.2024.

(KAPIL KUMAR)
ADJ-01/NE/KKD/DELHI
27.03.2024 sb