

11.07.2018

Present: Sh. M. Nadeem, Advocate, for both the plaintiffs with
plaintiffs in person.
Sh. Brijesh Kumar Sharma, Advocate, for defendant No.1
& 3.
Defendant No.2 in person.

Ld. counsel for the plaintiff has filed the photocopies of
some documents with four photographs. Copies of the same are
supplied to the Ld. counsel for defendant No. 1 & 3.

It has been reported by the Ld. Counsels for the parties
that there are no documents which require admission or denial by the
parties.

Pleadings of the parties are already complete. From the
pleadings of the parties, the following issues are framed, as under:

1. Whether the present suit is bad for misjoinder of
the necessary parties ? OPD-2
2. Whether the plaintiffs are entitled for a preliminary
decree of partition in respect of the property
bearing No. F-155, Main 25 Ft. Road, Chand
Bagh, Delhi-110 094, measuring 120 sq. yards, as
claimed in the plaint ? OPP
3. Whether the plaintiffs are entitled for a decree of
possession in respect of their shares in the
aforesaid property, as claimed in the plaint ?
OPP
4. Whether the plaintiffs are entitled for a decree of
declaration, as claimed in the plaint ? OPP
5. Whether the plaintiffs are entitled for a decree of
mandatory injunction, as prayed in the plaint ?
OPP
6. Whether the plaintiffs are entitled for a decree of
permanent injunction, as prayed in the plaint ?
OPP

7. Whether the plaintiffs are entitled to claim damages with interest, from the defendants. If so, at what rate and for which period ? OPP
8. Whether the plaintiffs are entitled for a final decree of partition by metes and bounds, as claimed in the plaint ? OPP
9. Relief.

No other issue arises or is pressed by the parties at this stage. List of witnesses be filed by the parties within two weeks. Affidavits of the witnesses of the plaintiffs, as well as the defendants, be filed on or before the next date of hearing. Advance copies of the same be supplied to the Ld. Counsels for the opposite parties, two weeks prior to the next date of hearing.

Arguments on the application under Order 39 Rule 1 & 2 r/w Sec. 151 CPC are heard. During the course of arguments, the defendant No.1 has been directed to identify his signatures on the documents dated 18.11.1993, allegedly executed by defendant No.1, in favour of his wife. It is submitted by the Ld. counsel for the plaintiffs that the original of the said documents are lying in the record of BSES, as the same were filed by defendant No.3 for obtaining the electricity connection from BSES.

Adjourned for orders on the application under Order 39 Rule 1 & 2 r/w Sec. 151 CPC on **31.07.2018** and for plaintiff's evidence on **08.10.2018**. In the meantime, the Ld. counsel for the plaintiff is directed to furnish the complete details of the electricity connection in the name of defendant No.3 and to take steps for summoning of the relevant record from the office of BSES for 31.07.2018.

BRIJESH KUMAR GARG
Addl.Distt Judge(NE)-01
KKD Courts/Delhi
11.07.2018

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