

24.05.2016

Present: Mr. Prashant son of plaintiff in person.
Defendant no. 6 in person.
Sh. S.K.Singh, counsel for LRs of defendant no. 1.
Sh. Faimuddin, counsel for defendant no. 8.

Arguments on the pending application under Order 22 Rule 4 CPC heard.

Counsel for defendants have no objection, if the LRs of the deceased defendant no. 1 are brought on record so the application under Order 22 Rule 4 CPC is allowed. Amended memo of parties be filed.

Admission/denial has already taken place in the High Court. Defendants no. 1,6 & 7 are not contesting the case and infact also wants the partition of the suit property.

On the pleadings of the parties, the following issues are framed:

1. Whether the valuation of the suit for the purpose of court fee and jurisdiction is not correct ? OPD 2 to 5
2. Whether any oral partition has taken place between the parties and thus there remains no joint family property and accordingly, plaintiff is not entitled to any portion of the suit property ? OPD 2 to 5
3. Whether the plaintiff is entitled to decree for partition of the suit property alongwith possession, as prayed for? OPP
4. Whether the plaintiffs are entitled for decree of rendition of accounts in respect of the property ? OPP
5. Whether the plaintiff is entitled to the relief of permanent injunction as claimed in the suit? OPP
6. Relief

Put up this matter for evidence of the plaintiff on 27.07.2016. Affidavits of evidence be filed on the next date but advance copy be supplied to the counsel for the defendant at least 15 days prior to the date fixed. List of witnesses if any be also filed by both the parties within 15 days from today.

(ASHWANI KUMAR SARPAL)
Addl.Distt Judge(NE)-01
24.05.2016