

CS 62/23

JAYA SHARMA Vs. BINDA SHARMA AND ANR

27.03.2025

Present: Sh. Chaudhary Rajender Singh, Ld. counsel for plaintiff.
Sh. Rishabh Jain, Ld. counsel for D-1 and D-2.
D-4 is ex-parte.
None for other defendants.

1. None has been appearing for D-3, D-5 and D-6 for the last couple of dates. None appears on their behalf today. They are proceeded ex-parte.
2. Perusal of memo (taken on record on 18.02.2025) shows that D-3 is described as Chanda Devi. But, in the earlier memo filed on 24.07.2024, she is described as Champa Devi. Counsel for plaintiff submits that the actual name of D-3 is Champa Devi and not Chanda Devi. He is directed to file a corrected memo on record.
3. Pleadings in the matter are complete. Parties now contesting the matter were parties in the original suit and admission/denial of documents was carried out on 06.11.2023. Counsels for the contesting parties submit that the matter can now proceed trial.
4. It is pertinent to note that on 06.11.2023 certain issues were framed in the matter. Counsel for the parties agree that certain amendments were made in the plaint after framing of said issues and therefore, it shall in the interest of things that the said issues be reframed and additional issues be framed in the matter. With the consent of parties, the issues framed on 06.11.2023 are being reframed with additional issues and now the consolidated issues for adjudication in the matter shall read as under:

- (i) Whether the plaintiff is entitled to a decree of partition as prayed for in prayer (b)?OPP
- (ii) Whether the plaintiff is entitled to a decree of possession as prayed for in prayer (a) ?OPP
- (iii) Whether the plaintiff is entitled to a decree of permanent injunction as prayed for in prayer (c)?OPP
- (iv) Whether the plaintiff is entitled to a decree of declaration as prayed for in prayer (d)?OPP
- (v) Whether D-2 is the sole owner of the suit property on the basis of a Will dated 10.03.2021 executed by late Phoolmani or the same is a forged and fabricated document? Onus on parties.
- (vi) Relief.

5. No other issue arises or pressed for.

6. One of the primary bone of contention between the parties is the Will dated 10.03.2021 stated to have been executed by Phoolmani in favour of D-2. **Let D-2 file original of the same in court within 30 days from today.**

7. Signatures of the respective counsels for the parties are taken on this order-sheet as record of their consent with respect to reframing of issues in this matter.

8. List for PE on 14.07.2025 & 15.07.2025. List of witnesses along affidavits of evidence be filed by both the parties within 15 days from today with advance thereof to the opposite party.

AASHISH GUPTA
DJ-01/NE/KKD/DELHI
27.03.2025