

12.07.2024

Present: Ld. counsel for plaintiff.
Defendant Shri Krishan in person with ld. Counsel Sh. Rajendra Kumar (counsel represents all defendants except defendant Ajay).

Defendant no. 2(v)/Ajay has not been appearing for last many dates and his defence has already been struck off vide order dated 16.11.2023. In such circumstances, he is proceeded ex-parte.

Amended memo of parties and list of documents in terms of last order filed on behalf of plaintiff. The same are taken on record.

Counsel for remaining defendants has admitted certain documents filed by plaintiff and same has been exhibited as Ex.P8 to Ex.P10.

Thus, A/D of documents stands complete.

At this stage, it is pointed out by the counsel for plaintiff that inadvertently there is a mistake in the numbering of prayers made in the plaint and he prays that the prayer numbered as **(iv) and (v)** be renumbered as (b) and (c). The said points are given as point (1) and 2) on the plaint.

Counsel for defendants submit that the amendment/correction sought is clerical in nature and he has no objection in case the same are corrected. Accordingly, the aforesaid prayers are allowed to be renumbered as (b) and (c) under the signatures of the counsel for plaintiff.

Based on pleadings, following issues are framed as under :

- (i) Whether the plaintiff is entitled to a preliminary decree of partition, as prayed for in prayer (a)? OPP
- (ii) Whether the plaintiff is entitled to a decree of permanent injunction, as prayed for in prayer (b)? OPP
- (iii) Whether the plaintiff is entitled to a final decree of partition, as prayed for in prayer (c) ? OPP
- (iv) Relief.

No other issue arises or pressed for. List of witnesses be filed by the parties within fifteen days. Affidavit(s) of the plaintiff's witness(es) be filed at least two weeks before NDOH with advance copy to the opposite party.

To come up for PE on 24.08.2024.

AASHISH GUPTA
DJ-01/NE/KKD/DELHI
12.07.2024