

CS 98/18
MUMTAJ BANO Vs. KHURSHID ALAM

02.12.2025

Present: Mr. K.R. Rana, Ld. Counsel for plaintiffs with P-1.
Mr. Nasimuddin and Mr. Nazim Hussain, Ld. Counsel for
D-1, D-3 and D-8 with D-1 and D-3.
LRs of D-9 and D-10 are exparte.
None for D-2, D-4 to D-7.

1. **None appeared for D-2, D-4 to D-7 on last date. None appears for them today. Accordingly, they are proceeded ex-parte.**
2. Plaintiff No. 1 has filed affidavit of admission/denial. Copy supplied.
3. Admission/denial carried out by the parties in Court and they do not dispute the following documents:-

S.No.	Documents	Exhibit given
1.	GPA dated 12.05.1981 executed by Wariyam Chand in favour of Abdul Hai.	Ex. 1
2.	Agreement dated 12.05.1981 executed by Wariyam Chand in favour of Abdul Hai.	Ex.2
3.	Receipt executed by Abdul Hai dated 12.05.1981.	Ex.3
4.	Sale deed dated 25.10.1971 executed by Qubul Singh and Devi Ram in favour of Wariyam Chand.	Ex. 4
5.	Death certificate of Abdul Hai.	Ex. 5
6.	Death certificate of Zahir Ahmed.	Ex.6
7.	Receipt of legal notice dated 25.01.2018.	Ex.7
8.	Receipt of reply-cum-legal notice dated 13.02.2018.	Ex.8

4. Signatures of the respective Counsels are taken on this order-sheet as proof of admission/denial carried out by them for and

on behalf of their clients. The remaining documents are denied by the parties.

5. Thus, admission/denial stands complete. Based on the pleadings of the parties the following issues are framed:-

i) Whether plaintiffs are entitled to a preliminary decree of partition as prayed for in prayer (a) of the plaint? OPP

ii) Whether plaintiffs are entitled to a final decree of partition as prayed for in prayer (b) of the plaint? OPP

iii) Whether plaintiffs are entitled to a decree of permanent injunction as prayed for in prayer (c) of the plaint? OPP

iv) Whether the suit has not been valued properly for the purposes of pecuniary jurisdiction? OPD.

v) Whether husband of D-5 Moinuddin shall not succeed to any right, title or interest in the suit property after D-5/Rumana Khatoon died? OPD.

vi) Relief.

6. No other issue arises from the pleadings of the parties or is pressed for.

7. Parties are directed to file their list of witnesses within 2 weeks from today. Plaintiffs to file affidavit in evidence of all their witnesses at least 15 days prior to next date of hearing with advance copy to the other side.

8. List for PE on 03.01.2026.

Aashish Gupta
DJ-01/NE/KKD/DELHI
02.12.2025