

CS139/23
GITA DATTA AND ANR Vs. SAMEER MAZUMDAR
and
CS258/23
GITA DATTA Vs. SAMEER MAZUMDAR

18.09.2024

Present: Ms. Tanya Kathuria, Ld. Counsel for plaintiffs (in suit No. CS 139/23) and for respondents in suit No. CS 258/23.
Ld. Counsel for defendant (in suit No. CS 139/23) and for counter-claimant in suit No. CS 258/23.

It may be noted that initially suit No. 139/23 was filed by the plaintiffs against defendant seeking partition of one property. Thereafter, defendant preferred a counter claim (which was registered as CS No. 258/23). In the main suit wherein counter-claimant/defendant sought partition of four other properties also.

Thus, while in suit No. 139/23, partition of one property is sought (located in Delhi); in suit No. 258/23, partition of four other properties is sought (with three located in Bengal and one in U.P.).

Parties before this Court are the same in both the matters. Parties consent that since the evidence/documents in both the cases are essentially overlapping, both the suits should be consolidated so that evidence is led in one matter only. They agree that common admission/denial of documents can be done in both the matters and common issues can also be framed.

In view of the aforesaid, both the matter are consolidated to be tried as one. The evidence shall be led in the main suit No. 139/23 qua both the matters.

Separate affidavits of admission/denial filed by plaintiff No. 1 (on her behalf as well as on behalf of other plaintiffs) in suit CS No. 139/23 and in counter claim i.e. CS No. 258/23. Copy supplied.

Affidavit of admission/denial by defendant already filed in main suit as well as counter claim.

In view of the fact that matters have been consolidated, admission/denial in both the matters is carried out in common.

Defendant/counter claimant has admitted certain documents of the plaintiffs which are exhibited as Ex. P1/1 to Ex P1/4 (available in the main file) and Ex. P1/5 to Ex. PW1/16 (available in the file of counter claim).

The other documents are denied.

Plaintiffs have admitted four documents of the defendant/counter claimant and they are exhibited as Ex. D-1 (colly) to Ex. D-4 (colly). Thus, admission/denial stands complete.

List for framing of issues on 24.09.2024. Parties are at liberty to file their proposed issues.

Let both the files be tagged together. Let copy of this order be placed on both files.

Aashish Gupta
DJ-01/NE/KKD/DELHI
18.09.2024