

CS 245/24
RAJ KUMAR WALIA Vs. KIRAN WALIA

03.04.2025

Present: Sh. Sachet Sharma, Ld. Counsel for plaintiff with plaintiff.
Ld. Counsel for D-1, D-2 and D-3.
Sh. Himalaya Gupta, Ld. Counsel for D-4 and D-5.
D-6 already deleted.

D-1 to D-5 have filed separate affidavits of admission/denial. Copy supplied. They have moved two separate applications seeking waiver of cost imposed on last date. In view of the said applications, cost is waived.

In the affidavits of admission/denial filed by D-1 to D-5, three documents have been admitted by D-1 to D-5. Out of the said three, two of the documents are disputed documents. The third document i.e. GPA dated 06.02.1974 is an admitted piece of document amongst all the parties to this suit and hence, the same is exhibited as **Ex. P1**.

Defendants have filed two set of documents. One set is jointly filed by D-1 to D-3 and the other set by D-4 and D-5. Plaintiff has filed affidavit of admission/denial qua the set filed by D-4 and D-5 and one document therein is admitted. The same is now exhibited as **Ex. D-1**.

The other set filed by D-1 to D-3 is admitted/denied in Court by the Counsel for the plaintiffs, on instructions and one document is admitted by the plaintiffs, which is now exhibited as **Ex. D-2**.

Other documents are denied by the parties.

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

i) Whether Gyan Chand Walia executed any Will dated 22.08.2018 in favour of Jai Walia/D-2? If yes, its effect. OPD

ii) Whether Jai Walia/D-2 was having capacity to execute a GPA dated 12.07.2023 in favour of Kiran Walia/D-1? If yes, its effect. OPD.

iii) Whether Kiran Walia/D-1 could sell the suit property by virtue of sale deed dated 03.06.2024 in favour of D-4 and D-5 and on the strength of the same, whether D-4 and D-5 are the sole and absolute owners of the suit property? OPD

iv) Whether the plaintiff is entitled to a decree of declaration as prayed for in prayer (a) of the plaint? OPP

v) Whether the plaintiff is entitled to a decree of declaration as prayed for in prayer (b) of the plaint? OPP

vi) Whether the plaintiff is entitled to a decree of partition as prayed for in prayer (c) of the plaint? OPP

vii) Whether the plaintiff is entitled to a decree of permanent injunction as prayed for in prayer (d) of the plaint? OPP

viii) Relief.

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

Parties are directed to file their list of witnesses within 2 weeks from today. Plaintiff to file affidavit in evidence of all his

witnesses at least 15 days prior to the next date of hearing with advance copy to other side.

List for PE from 28.07.2025 to 31.07.2025.

Aashish Gupta
DJ-01/NE/KKD/DELHI
03.04.2025