

27.03.2024

Present: Ms. Priyanka Agarwal, ld. LAC for plaintiffs.
Sh. H.S. Lathi, ld. counsel for defendant no. 1.
None for defendant no. 2 and 3 (defence struck off vide order dated 13.12.2023).

Replication filed on 22.03.2024. Copy already supplied. Pleadings completed.

Ld. Counsel for plaintiffs submits that till date, the reply to the notice under Order XII Rule 8 CPC given by the plaintiff to defendant no.1 has not been filed.

Considering the pleadings, the admission/denial of document would not be of any consequence, at this stage. The parties are at liberty to prove their respective documents, as per law, during trial.

From the pleadings of the parties, following issues are framed as under :

- (i) Whether the plaintiffs are entitled to preliminary decree of partition, as prayed for ? OPP
- (ii) Whether the plaintiffs are entitled to final decree of partition, as prayed for ? OPP
- (iii) Whether the plaintiffs are entitled to decree of permanent injunction, as prayed for ? OPP
- (iv) Whether the suit is bad for non-joinder of necessary parties ? OPD
- (v) Whether the suit has not been properly valued ? OPD
- (vi) Relief.

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No other issue arises or is pressed by the parties at this stage. List of witnesses be filed by the parties within fifteen days. Affidavit(s) of the plaintiff's witness(es) be filed within two weeks with advance copy to the opposite party against receiving two days prior to the next date of hearing.

Put up for PE on 27.05.2024.

(KAPIL KUMAR)
ADJ-01/NE/KKD/DELHI
27.03.2024 sb