

06.07.2024

Present: Ms. Priyanka Agarwal, Ld. counsel for plaintiff.
Ms. Rehmat, mother of defendant no. 1 in person.
Defendant no. 4 is already ex-parte.
None for other defendants.

No affidavit of A/D filed till date by the parties. It appears that parties are not interested in carrying out A/D in the matter. As per counsel for plaintiff, defendants have not filed any document for which A/D will be carried out. Thus, based on pleadings, following issues are framed as under :

- (i) Whether the plaintiff is entitled to decree of partition, as prayed for in prayer (a) ? OPP
- (ii) Whether the plaintiff is entitled to decree of possession, as prayed for in prayer (b)? OPP
- (iii) Whether the plaintiff is entitled to decree of permanent injunction, as prayed for in prayer (c) ? OPP
- (iv) Whether late Sante Khan, being governed by Sunni Muslim Law, was not permitted to bequeath more than 1/3rd share in total of his estate to any person and thus, the Will dated 06.09.2013 is void *ab initio* ? (onus of proof on defendant no. 1,5,6, and 7)
- (v) Whether the Will dated 06.09.2013 of Sante Khan is bogus and fraudulent document and thus, void ? onus of proof on defendant no. 1,5,6, and 7)
- (vi) 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 within two weeks with advance copy to the opposite party against receiving two days prior to the next date of hearing.

To come up for PE on 19.09.2024.

AASHISH GUPTA
DJ-01/NE/KKD/DELHI
06.07.2024