

CS no. 316/2023
Aslam Parvez VS. Amina Begum

19.12.2025

Present : Plaintiff with Sh. Suhail Azhar, advocate.
None for defendants no. 1 & 2.
Defendants no. 3 to 6 are already exparte.

No affidavit of admission/denial of documents filed by the plaintiff on the ground that defendants no. 1 & 2 had not annexed any document with their written statement.

Record shows that defendant no. 1 & 2 and their counsel have not appeared on 17.09.2025, 25.10.2025 and even today. The record further shows that on number of occasions, defendants or their counsel appeared late and not in time. On certain occasions, they appeared when the case was taken up in pass over proceedings. Even their application under Order 7 Rule 11 CPC was dismissed in default and for non prosecution by my Id. Predecessor vide order dated 25.10.2025. The defendants have not filed affidavits of admission/denial of documents also despite giving time, so keeping in view the above facts and circumstances, the defendants no. 1 & 2 are also proceeded exparte and there is no requirement to wait till 2:00 p.m. However, the defendants can join the future proceedings because unless the exparte order is set aside, they cannot be permitted to relegate in the previous proceedings but certainly, they can join in future proceedings whatever are conducted.

Since, the written statement of defendants no.1 & 2 have

already come on record, so on the basis of pleadings of the parties, following issues are framed:-

1. Whether the defendant no.1 is absolute and exclusive owner of suit property ? OPD-1 & 2
2. Whether the valuation of suit for purpose of court fee and jurisdiction is incorrect ? OPD-1 & 2
3. Whether the plaintiff is entitled for the partition of the suit property ? OPP
4. Whether the plaintiff is entitled for relief of permanent injunction as prayed for ? OPP
5. Whether the plaintiff is entitled for recovery of the amount as claimed for ? OPP
6. Whether the plaintiff is entitled for relief of rendition of account as prayed for ? OPP
7. Relief.

Put up this matter for PE on **10.02.2026**. Both the parties are directed to file their list of witnesses within 15 days. Affidavit of evidence be filed but advance copy be given to the counsel for defendants atleast seven days prior to the date fixed in his chamber.

(ASHWANI KUMAR SARPAL)
Principal District & Sessions Judge
North-East District, KKD Delhi/19.12.2025

At 11:35 a.m.

At this stage, Mohd. Danish, advocate for defendants no. 1 & 2 appeared through VC. He is informed about the order

passed and next date of hearing. He wants to move an application for setting aside ex parte order and to move fresh application under Order 7 Rule 11 CPC.

(ASHWANI KUMAR SARPAL)
Principal District & Sessions Judge
North-East District, KKD Delhi/19.12.2025