

CS No.364/23

PARVEEN AGGARWAL Vs. MANISH AGGARWAL

10.01.2025

Present: Sh. Bijender Gautam, Advocate for the plaintiff.
Sh. Brijesh Kumar Sharma, Advocate for the defendant.

I have heard the learned counsels on application filed by plaintiff under Order XXXIX Rule 1 and 2 CPC as well as another application under Order XXXIX Rule 1 and 2 CPC filed by the defendant.

Separate statements of learned counsels for the parties are recorded which have been made by the learned counsels as per instructions of their clients.

It is a suit for partition, permanent injunction and rendition of accounts. It is stated by learned counsels that both the parties are in joint possession of different portions of the suit property bearing no.K-13/6, Block K, Gali No.16, West Ghonda, Delhi-110053. It is also stated that plaintiff is residing at the first floor portion whereas the defendant is in possession of the ground floor portion. It is stated by learned counsels that on behalf of their clients, they undertake that parties will maintain status quo in respect of the suit property and the plaintiff will not create any hindrance in the outgress or ingress of the defendant in his portion of the property i.e. at ground floor.

In view of the statements of learned counsels for both the parties, applications under Order 39 Rule 1 & 2 CPC filed by the plaintiff and defendant are disposed of.

Parties will be bound by the statements of their Advocates.
Heard.

On the basis of pleadings and material on record, following issues are framed.

- i) Whether plaintiff is entitled for the partition of suit property and, if so, he is entitled for which extent of the share in the suit property? OPP
- ii) Whether the plaintiff is entitled for the relief of permanent injunction if so in what nature? OPP
- iii) Whether the plaintiff is entitled for rendition of accounts? OPP.
- iv) Whether the defendan is entitled to recover any amount fromn the plaintiff as claimed, if so, to what extent?OPD.

No other issue arises or pressed by the learned counsels.

Both the parties are directed to file their list of witnesses within 15 days by giving advance copy.

Case be fixed for PE 24.02.2025.

Parties to also explore possibility of settlement.

(SANJEEV JAIN)
Principal District & Sessions Judge,
North-East District, Karkardooma Courts,
Delhi/10.01.2025