

CS No. 58730/16
Rajinder Singh Vs. Jagdish Sing & ors.

01.02.2018

Present : Sh.Avdesb Kumar, Ld. counsel for plaintiff.

Sh.Rahul Verma, Ld. counsel for defendants No. 1 to 8.

None for remaining defendants.

A preliminary issue was framed on 28.04.2009 and since then matter is pending before this court for last so many years. It is submitted by Ld. Counsel for defendant that the earlier suit has already been decreed in one of the property and present suit relates to three properties.

It is submitted by both the counsels that the preliminary issues which was framed earlier is a mixed question of facts and law and all issues be framed so that matter can be proceeded and trial can commence.

Heard. Issue framed on 28.04.2009 be re-framed and be decided alongwith other issues.

Record perused.

Pleadings are complete. Parties are not interested to go for admission and denial of documents.

Upon pleadings of the parties, following issues are framed:

1. Whether the plaintiff is entitled for partition in equal shares to the extent of $\frac{1}{4}$ share each in the property as mentioned in the plaint?OPP
2. Whether the plaintiff is entitled for permanent injunction and against the defendants?OPP
3. Whether the suit is liable to be stayed u/s 10CPC? OPD
4. Relief.

Put up for **PE on 09.05.2018**. List of witnesses be filed within stipulated period. Ld. counsel for the plaintiff is directed to supply the advance copy of the affidavit of evidence to the defendants at least 7 days prior the next date of hearing.

(Deepak Wason)
ADJ-02 (North): Rohini Courts:
Delhi: 01.02.2018