

SONIA Vs. RAJ KUMAR MOTWANI

12.02.2024

Present: Mr. Ranjan Kumar, Ld. Counsel for plaintiff.

Mr. Pawan Kawrani, Ld. Counsel for defendant.

ORDER

1. Ld. Counsel for defendant has moved an application under Order 8 Rule 1A CPC for filling additional documents.

2. Heard. The application stands allowed as the defendant has already stated about the Will in his WS. No prejudice shall be caused to the plaintiff if the same is taken on record. Accordingly, the Will dated 06.10.2016 is taken on record.

3. At this stage, counsels for parties are asked whether there is possibility of settlement in terms of Order 10 Rule 1A. The counsels for the parties submit that there is no possibility for settlement and issues may be framed.

4. On the basis of the pleadings of the parties, the following issues are framed:-

i. Whether the plaintiff is entitled to a decree of possession in his favour and against the defendant, as prayed for? OPP.

ii. Whether the plaintiff is entitled to a preliminary decree of partition in his favour and against the defendant, as prayed for? OPP.

iii. Whether the plaintiff is entitled to a decree of permanent injunction in his favour and against the defendant, as prayed for? OPP.

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- iv. Whether the Will dated 06.10.2016 is a genuine Will? OPD.*
- v. Whether the suit is barred for being improperly valued and stamped for the purpose of court fees? OPD.*
- vi. Whether the suit is bad for misjoinder or non-joinder of parties? OPD.*
- vii. Relief.*

5. No other issues are pressed for by the parties. Nor does any other issue arise from the pleadings of the parties.

6. Be put up for PE on **08.05.2024**.

7. *The plaintiff is directed to file evidence by way of affidavit along with list of witnesses within 15 days from today with advance copy to the counsel for the defendant.*

Shivali Bansal
ADJ-03, Rohini Courts
North District, Delhi
12.02.2024