

CS DJ 369/21 POONAM TOKAS Vs. PHOOLWATI

19.05.2025.

Present: Mr. Anil Kumar Bhardwaj, Ld. Counsel for plaintiff.
Mr. Manish, Ld. Counsel for defendant no. 1 and 6.
None for defendant no. 2.
Defendant no. 3 to 5 are already ex-parte vide order dated
05.11.2024.

ORDER

1. Affidavit of admission / denial of documents e-filed on behalf of plaintiff. Same is taken on record. Copy supplied.
2. Since no affidavit of admission / denial filed on behalf of the defendant no. 1 and 6 and defendant no. 2, their right to file affidavit of admission / denial stands closed. Accordingly, admission / denial of documents stands concluded.
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 perusal of the pleading and submissions of the parties the following issues are framed:
 1. *Whether the plaintiff is entitled for decree of partition, as prayed for? OPP.*
 2. *Whether the plaintiff is entitled for decree of permanent injunction, as prayed for? OPP.*
 3. *Whether the defendant no. 6 is debarred from inheritance of the ancestral property? OPP.*

Contd....

4. *Whether the defendant no. 1 and 6 are the exclusive owners of the property mentioned at serial no. (i) to (iv) by virtue of Will dated 07.12.2009 executed by late Sh. Rajender Singh? OPD 1 and 6.*

5. *Whether the present suit is hit by Section 34 of Specific Relief Act. OPD 1 and 6.*

6. *Whether the present suit is bad for improper valuation and non-payment of court fees? OPD 1 and 6.*

7. *Relief.*

5. No other issues are pressed for or arises out of the pleadings.

6. Put up for PE on 15.09.2025.

7. *Ld. Counsel for the plaintiff is directed to file evidence by way of affidavit alongwith list of witnesses within 15 days from today with advance copy to the counsel for the defendants.*

SHIVALI
BANSAL
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by SHIVALI
BANSAL
Date:
2025.05.19
14:23:48 +0530

Shivali Bansal
District Judge-03, Rohini Courts
North District, Delhi
19.05.2025