

SHANTI SARUP PUNJANI Vs. MAHESH SWAROOP PUNJANI AND ORS

28.10.2024

Present: Sh. Vineet Gandhi, counsel for the plaintiff with plaintiff.

Sh. Girish Gaur, Counsel for the defendant no.1, 3 to 7, 11,
12, 13 and 15.

Sh. Atul Gupta, counsel for the defendants no. 2, 8, 9 and
10.

**Defendants no. 14, 16, 17 and 18 are already ex-parte vide
order dated 13.03.2023.**

Counsel for the parties state that mediation is not possible at this
stage.

Affidavit of admission / denial of the document has been filed by the
parties. Copy supplied each other.

Counsel for the defendant no. 2, 8, 9 and 10 adopts the affidavit or
admission / denial of the documents, filed by the plaintiff.

Framing of issues is pressed for.

Pleadings of the parties are complete. From the pleadings of the
parties, following issues are hereby framed :

1. Whether the plaintiff is entitled to Partition of suit property bearing No. 1307, Dr. Mukherjee Nagar, Delhi measuring 160 sq. yds., as shown red in the site plan and is entitled to one 6th share in the same alongwith possession ? OPP
2. Whether the plaintiff is entitled to Damages / Use and Occupation Charges qua suit property w.e.f. 01.11.2019 till delivery of possession @ @ Rs.833/- per month ? OPP
3. Whether the plaintiff is entitled to Declaration that the Mutation Letter dated 31.01.1985 and Conveyance Deed dated 18.07.1994 be declared as null and void ? OPP
4. Whether the plaintiff is entitled to Permanent Injunction restraining the

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defendant no.1, his relatives etc., from creating third party interest in the suit property during pendency of the suit ? OPP

5. Whether the plaintiff is entitled to Decree of Mandatory Injunction directing the defendant no.1 from producing all original of ownership documents pertaining to the suit property in the court and for release of the same to the lawful claimant ? OPP
6. Whether the plaintiff is entitled to costs and interest on the sum due @ 18 % ? OPP
7. Whether the defendant no.1 is entitled to suit property on the basis of Will dated 23.10.1976, executed by Sh. Bihari Lal Punjani in favour of the defendant no.1 ? OPD-1
8. Whether the suit property in hands of Sh. Bihari Lal Punjani, was ancestral property ? OPD-2, 8, 9 and 10
9. Relief.

No other issue arises or is pressed for.

List of witnesses, if any, be filed by both the parties within 15 days from today.

Now, to come up for **PE** by way of affidavit on **05.12.2024**.

Advance copy of affidavit of witnesses be supplied to the opposite party at least one week prior to the next date.

The arguments on the application 39 rule 1 and 2 CPC be also heard on the next date of hearing.

(VIKRAM BALI)
DISTRICT JUDGE-2/NORTH/ ROHINI
COURT/DELHI/28.10.2024