

07.05.2025

Present: Sh. Anil Pawar, Ld. Counsel for plaintiff.
Sh. Dhruv Sisodia, Ld. Proxy Counsel for defendant
no. 1.

Matter is fixed for settlement of issues but one application under Order 22 Rule 3 CPC filed on behalf of plaintiff on 01.04.2025 online is reflecting on CIS. Requisite court fee stamp qua the application is placed on file as affixed on hard copy of application. Copy is supplied to Ld. Counsel for defendant no. 1.

Submissions on the application are hard.

The present suit has been filed for declaration, cancellation, partition, mandatory and permanent injunction by plaintiff who has died on 12.03.2025. Considering the facts where right to sue survives and application is filed within limitation, the same is allowed. The person named in the application is allowed to be substituted as legal representative of deceased plaintiff. Amended memo filed with the application is taken on file.

Pleadings are stated to be complete.

Submissions heard on the settlement of issues.

From the submissions and pleadings of the parties, following issues are framed as arises:-

(1) Whether the plaintiff is entitled for decree of declaration qua mutation dated 16.08.1984 as claimed ? OPP

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(2) Whether the plaintiff is entitled for decree of declaration thereby declaring that she is successor of Late Smt. Brahmo and has succeeded all the rights in the suit property ?
OPP

(3) Whether the plaintiff is entitled for decree of cancellation qua mutation dated 16.08.1984 as claimed ? OPP

(4) Whether the plaintiff is entitled for decree of mandatory injunction thereby directing the defendant no. 2 to mutate/to restore back the mutation of suit property as claimed ?
OPP

(5) Whether the plaintiff is having any share and is entitled to seek partition of the suit property ? OPP

(6) Whether the plaintiff is entitled for decree of permanent injunction ? OPP

(7) Whether the market value of the property is more than the value given by the plaintiff if so its effect on the suit ?
OPD

(8) Whether the suit filed for different reliefs is within limitation ? OPP

(9) Relief.

No other issue arises or pressed for.

The counsels appearing for the parties stated that there is no likelihood of the settlement of matter between the parties at this stage, as such, there is no use of referring the parties to adopt ADR means.

List of witnesses be filed within 15 days by the

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parties. Put up for plaintiff's evidence for 10.09.2025.

(SUNIL CHAUDHARY)

DJ-04/North-West

RHC/Delhi 07.05.2025