

CS 1749/16

PRATIBHA SHARMA Vs. INDU SHEKHAR

24.11.2023

Present: Sh. Shubham Goyal, Id. proxy Counsel for plaintiff with plaintiff.
Sh. Manmohan Satija, Id. Counsel for defendant no. 1.
Sh. Gagan Kumar Singhal, Id. counsel for defendant no. 2 (through VC) with defendant no. 2 (in court) in person.

Counsel for defendant no. 1 has handed over a cheque of Rs.10,000/- to the plaintiff as cost imposed upon the defendant no. 1.

Cost has already been paid by the defendant no. 2 to the plaintiff. Plaintiff confirms the same.

Counsel for defendant no. 1 has filed affidavit of A/D of documents alongwith proposed issues. Copy supplied.

Pleadings of the parties are complete in this case. Following issues arise out of the pleadings—

- 1. Whether the plaintiff is entitled to a decree of partition, as prayed for?OPP**
- 2. Whether the plaintiff is entitled to a decree of declaration, as prayed for? OPP**
- 3. Whether the plaintiff is entitled to a decree of permanent injunction, as prayed for?OPP**
- 4. Whether the suit of the plaintiff has been properly valued for the purposes of Court Fee & Jurisdiction? OPD**

- 5. Whether the suit of the plaintiff is barred by time?
OPD**
- 6. Whether the suit of the plaintiff is bad for non joinder
of necessary party? OPD**
- 7. Whether the plaintiff is entitled for declaration of Will
dated 05.10.2010 as a false document, as prayed for?
OPP**
- 8. Whether the suit of the plaintiff as framed is not
maintainable in view of Will dated 05.04.2010 of
deceased Smt. Usha Sharma? OPD**
- 9. Whether the plaintiff has suppressed the material facts
from this court and if yes, its effect? OPD**

10. Relief

No other issue arises or is pressed for.

At this stage, counsel for defendant no. 2 submits that since the entire suit depends on the will in question therefore, DE should be led first. Both the parties are at liberty to file judgments in support of the same.

Put up for aforesaid purpose and for PE on 12.01.2024. List of witnesses be filed by parties within 15 days. Evidence by way of affidavit be supplied atleast 10 days in advance to the other side.

(Mohammad Ehtesham)
ADJ-03, Shahdara
KKD Courts, Delhi
24.11.2023