

11 CS 2529/24
SUNITA GUPTA Vs. VIKAS MALIK

07.03.2026

At 11:18am

Present: Sh. Muddassir Daiyyan, Ld. Counsel for plaintiff
along with plaintiff.
Sh. V.K. Singh, Ld. proxy counsel for Sh. Raghveer
Singh, Ld. counsel for D-1 and D-2 along with D-1
and D-2.
None for D-3.

Previous cost of Rs.2,000/- paid by defendant No.1
to plaintiff.

No WS has been filed on behalf of defendant No.3
till date despite service on 06.11.2024.

In view of the circumstances, **right of defendant
No.3 to file WS stands closed.**

Plaintiff in her affidavit of admission and denial of
documents have admitted the following documents which are
mentioned as under:-

1. Death certificate of Sh. Shubhash Malik @ Sh. Shubhash
Chand Malik– **Ex.P-1 (OSR) (produced by defendant No.1 and
2).**
2. Death certificate of Reshama Malik– **Ex.P-2 (Original is
taken on record) (produced by defendant No.1 and 2).**
3. Newspaper cutting of the Indian Express dated
26.06.2021– **Ex.P-3(OSR) (produced by defendant No.1 and 2).**

Rest of the documents filed by defendant No.1 and 2
have been denied by plaintiff.

(2)

Defendant No.1 and 2 in their affidavit of admission and denial of documents have admitted the following documents which are mentioned as under:-

1. Aadhar Card of plaintiff – **Ex.P-4**.
2. Site plan – **Ex.P-5**.
3. Copy of complaint sent to Sub-Registrar Shahdara along with its true copy – **Mark A**.
4. Copy of FIR bearing No.077/2018, registered at PS Shahdara along with its true translation – **Ex.P-6 (Colly.)**.
5. GPA dated 20.10.1986 – **Mark B**.
6. Copy of publication in the newspaper “Jansata” dated 02.03.2021- **Ex.P-7 (OSR) (produced by plaintiff)**.
7. Copy of publication in the newspaper “The Indian Express” dated 02.03.2021- **Ex.P-8(OSR) (produced by plaintiff)**.
8. True copy of gift deed dated 10.11.2023 – **Ex.P-9(OSR) (original produced by defendant No.1)**.

Rest of the documents have been denied by defendants No.1 and 2.

Admission and denial of documents stands concluded.

Pleading of the parties are completed. From the pleadings of the parties, following issues are framed:-

1. **Whether the deed of Will dated 30.09.1997 is a last, valid and genuine Will of late Sh. Shubhash Malik @ Shubhash Chand Malik? If so, what would be its effect? OPD-1**
2. **Whether gift deed dated 10.11.2023 is a valid document and has been lawfully and voluntarily executed by Smt. Reshama**

(3)

Malik in favour of defendant No.1, as claimed? If yes, what would be its effect? OPD-1

3. If answer to Issue No.1 and 2 comes in negative then whether plaintiff is entitled for decree of declaration for declaring the gift deed dated 10.11.2023 as null and void, as prayed? OPP

4. Whether plaintiff is entitled for preliminary decree and final decree of partition with separate possession against defendants, in respect to the suit property, as prayed? OPP

5. Whether plaintiff is entitled for decree of permanent injunction against defendants, as prayed? OPP

6. Whether the present suit is bad for non-joinder of necessary parties as plaintiff has not impleaded the legal heirs of Sh. Vishal Malik? OPD-1

7. Whether plaintiff has not paid the requisite Court fees on the plaint? OPD-1

8. Relief.

No other issues arises or is pressed by the parties, at this stage. Parties are directed to file their list of witnesses within 15 days from today.

Plaintiff is directed to file evidence affidavits of all her witnesses within 30 days, with an advance copy to defendants, at least seven days prior to NDOH.

Put up for PE on 06.06.2026.

Date is given as per the diaries of Ld. counsels.

(Deepanker Mohan)

District Judge-04

Shahdara District/KKD Courts/Delhi

07.03.2026