

JAGMOHAN KAPOOR Vs. MANJU PAHWA AND ORS  
15.04.2024

Present: Sh. Shiv Kumar, Ld. counsel for Plaintiff.  
Sh. Hemant Sharma, Ld. counsel for Defendants  
no.1 and 2.

I have perused the record.

In view of last order, let fresh summons of the suit be issued upon the Defendant no. 3 on taking steps in terms of Order dated 05.12.2023, returnable for next date.

Heard arguments on Plaintiff's application under Order 39 Rule 1 & 2 CPC.

Present suit has been filed by the Plaintiffs for cancellation & Declaration of Will Deed dated 11.09.2021 and for partition & permanent injunction.

It has been fairly conceded by Ld. Counsels for parties that Defendants no. 1 and 2 herein had filed a civil suit for possession, mandatory and permanent injunction against the Plaintiff herein bearing CS no. 605/2023 titled as 'Manju Pahwa and anr. v. Jagmohan Kapoor and Ors', which is also listed today. Ld. Counsels further submit that in that suit application under Order 39 Rule 1 & 2 CPC was disposed off by Order dated 06.10.2023 & parties were directed to maintain status quo till the final disposal. Ld. Counsels thus submit that they have no objection if the said order may be passed in this suit as well.

I have also perused the Order dated 06.10.2023 passed in CS No. 605/2023.

Considering the facts and circumstances and also in view of submissions of Ld. Counsels for parties, the instant

**application stands disposed off as allowed and both the parties are directed to maintain status quo till the final disposal of the matter.**

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

- 1. Whether the Plaintiff is entitled for Decree of cancellation of Will Deed dated 11.09.2021 as prayed in Prayer Clause no. (a)? OPP**
- 2. Whether the Plaintiff is entitled for Decree of partition as prayed in Prayer Clause no. (b)? OPP**
- 3. Whether the Plaintiff is entitled for Permanent Injunction as prayed in Prayer Clause no. (c)? OPP**
- 3. Relief.**

No other issue arises or pressed for.

List of witnesses be filed by both sides within 14 days. Plaintiff is directed to file evidence affidavits of all the PWs within 04 weeks and advance copy of same be supplied to Defendant/counsel at least 10 days prior to next date.

Put up for PE on 23.07.2024.

(Mohammad Ehtesham)  
ADJ-03(Shahdara),  
KKD Courts, Delhi  
15.04.2024.