

RAJESHWAR KUMAR Vs. SATESHWAR KUMAR AND ORS

27.02.2025

AT 10:37 AM

Present: Sh. D.K. Santoshi, Ld. Counsel for plaintiff along
with plaintiff in person.

Sh, Vijay Waghey, Ld. counsel for D-1.

D-2 and D-3 are yet to be served.

None for D-4 and D-5.

None for D-6.

None for D-7/MCD.

Newspaper “Rashtriya Sahara” dated 11.11.2024
received on 25.11.2024. D-2 and D-3 have also been served
through publication on 11.11.2024 through “Rashtriya Sahara”.

No WSs on behalf of D-2 and D-3 have been filed
till date.

**In view of the circumstances, the right to file WS
qua D-2 and D-3 stands closed and they are proceeded ex-parte.**

No WSs have been filed on behalf of D-4, D-5 and
D-6 till date despite service.

**In view of the circumstances, the right to file WS
qua D-4, D-5 and D-6 stands closed and they are proceeded ex-
parte.**

No replication on behalf of plaintiff qua WS of D-1
has been filed.

Affidavits of admission and denial of documents on behalf of plaintiff and D-1 are already on record. D-1 is not present, therefore, admission and denial of documents cannot be conducted.

It is jointly submitted by plaintiff and D-1 to frame the issues.

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

1. Whether the suit property has already been partitioned between parties vide agreement/family settlement dated 11.04.2009, as claimed? If so, what would be its effect? OPD1
2. Whether the suit is time barred as claimed? OPD1
3. Whether the plaintiff is entitled for preliminary and final decree of partition with separate possession, against the defendant in respect to suit property, as prayed? OPP
4. Whether the plaintiff is entitled for decree of declaration for declaring the relinquishment deed dated 04.05.2022 as null and void, as prayed? OPP
5. Whether the plaintiff is entitled for mandatory injunction against defendant No.7, as prayed? OPP
6. Whether the plaintiff is entitled permanent injunction against defendant, as prayed? OPP
7. Relief.

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

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The plaintiff is directed to file evidence by way of affidavit of the plaintiff's witnesses within 30 days, with an advance copy to the opposite side, at least seven days prior to the next date of hearing.

Put up for P.E. on 21.05.2025.

Date is given as per the convenience of the parties.

(Deepanker Mohan)
District Judge-04
Shahdara District/KKD Courts/Delhi
27.02.2025