

7 CS 775/23
TAPAN DEY Vs. TAPSI DEY

05.05.2025
AT 11:05 AM

Present: Ms. Rubi Devi, Ld. Counsel for plaintiff through VC
Plaintiff in person
Ms. Ranjana Singh, Ld. Counsel for D-1 to D-3
along with D-1, D-2 and D-3 in person

An application under Section 151 CPC seeking time to file on record coloured copies and original documents, filed on behalf of D-1 to D-3 on 03.05.2025. Copy supplied.

D-1 to D-3 files following original documents mentioned below:

- (1) Original GPAs dated 17.01.1989; Agreements deed dated 17.01.1989; Affidavits dated 17.01.1989; Receipt of Rs.49,000/- dated 17.01.21989 and Registered Will dated 17.01.1989;
- (2) GPAs, Agreement deeds, Affidavit, Receipt and Will deed all dated 24.10.1986;
- (3) GPAs, Deed of Agreements, Affidavits, Receipt, Will deed all dated 22.12.1981.
- (4) Registered Relinquishment deed dated 09.08.1971;
- (5) Letter dated 17.07.1973 sent by Sahile Dayal to Assistant Commissioner, MCD Shahdara Zone.

Aforesaid originals are taken on record.

Copy supplied to Ld. Counsel for plaintiff.

Application under Section 151 CPC is accordingly disposed of.

D-1 to D-3 are directed to provide scan copy of the aforesaid documents to plaintiff within two days from today.

Plaintiff and defendants admit the following documents :

(1) Original GPAs dated 17.01.1989; Agreements deed dated 17.01.1989; Affidavits dated 17.01.1989; Receipt of Rs.49,000/- dated 17.01.21989 and Registered Will dated 17.01.1989 are exhibited as **Ex.P-4 (colly)**.

Ld. Counsel for D-1 to D-3 submits that D-1 to D-3 are not in possession of agreement deed dated 31.08.2020 i.e. agreement deed. She further on instructions submits that the said agreement was never executed and complied with.

Admission and denial of documents concluded.

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

1. Whether plaintiff and his deceased brother Sh. Kajal Dey agreed to purchase the suit property in their own name for a consideration of Rs.1,35,000/- out of which Rs.85,000/- was paid by plaintiff and Rs.50,000/- was paid by late Sh. Kajal Dey, as claimed? If so, what would be its effect?OPP
2. Whether plaintiff is the co-owner of the suit property to the extent of 1/3rd undivided share on the basis of GPA, Agreement deed, Affidavit and Receipt all dated 26.03.1990, as claimed? OPP
3. If answer to Issue No.1 and 2 come in affirmative, then, whether plaintiff is entitled for preliminary and final

decree of partition against defendants in respect to suit property, as claimed? OPP

4. Whether plaintiff is entitled for permanent injunction against defendants in respect to suit property, as claimed? OPP
5. Whether the present suit is time barred? OPD
6. 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.

The plaintiff is directed to file evidence by way of affidavit of 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 20.08.2025.

(Deepanker Mohan)
District Judge-04
Shahdara District/KKD Courts/Delhi
05.05.2025