

CS 715/21

**RAVI SHANKER AND ORS Vs. BABU RAM BANSAL AND
ORS**

24.08.2024

Present: Son of Plaintiff no.1 in person.
Sh. M. I. Siddiqui, Ld. Counsel for the Defendants.

Matter is at the stage of cross-examination of PW2 to PW4. However, today, Ld. Counsel for defendants has filed an application U/o 7 Rule 11 CPC on the ground that the present suit of partition is not maintainable as the plaintiffs are not in possession of the suit property.

It is a matter of record that plaintiffs have filed the present suit for partition w.r.t. one property alleging to be the legal heirs of Late Smt. Shanti Devi and w.r.t. another property, both the parties are co-sharers and the plaintiffs have nowhere pleaded their ouster from the suit properties being in constructive possession of the same.

In view of the same, application U/o 7 Rule 11 CPC filed on behalf of defendant is dismissed.

Put up for cross-examination of PW2 to PW4 on
04.10.2024.

(Ankur Jain-II)
DJ-02, SHD District
KKD/Delhi 24.08.2024