

12 CS DJ ADJ 862/24 SACHIN DUTTA Vs. SANGEETA

28.04.2025

Present: Sh. Uday Kumar, Ld. Counsel for plaintiff (through VC).
Sh. Rajesh Kumar along with Ms. Saranjeet Kaur, Ld.
Counsels for defendant no. 1, 2 and 3.
None for defendant no. 4.

None is appearing on behalf of defendant no. 4 despite repeated calls since morning. In view thereof, **defendant no. 4 is hereby proceeded *ex-parte*.**

Admission /denial of documents filed on behalf of the defendant no. 1 to 3. **Exhibited documents shall be exhibited as Ex.P1 to P4 by defendants or their main counsel on NDOH.**

Arguments on application under Order XXXIX Rule 1 & 2 CPC heard.

During the course of arguments on application under Order XXXIX Rule 1 & 2 CPC, Ld. Counsel for both parties further submit that *Status-Quo* in respect of suit property be maintained during the pendency of the matter before this court.

In view of the submissions made by the parties, application Under Order XXXIX Rule 1 & 2 CPC disposed off. Let 'Status-Quo' be maintained in respect of suit property during the pendency of the matter before this court.

Admission /denial of documents stands complete. Submissions heard for framing of issues.

According to pleadings between the parties, following issues are framed:

1. *Whether present suit of partition is not maintainable in lieu of probate of Will dated 22.12.1997? **OPD***
2. *Whether plaintiff is entitled for preliminary decree of partition qua the suit property i.e. WZ-649, Palam Village, Baribal Mohalla, near Shiv Mandir, Palam Village, District New Delhi-110045 admeasuring 160 sq. yards, as prayed for? If affirmative, at what share? **OPP**.*
3. *Whether plaintiff is entitled for final decree of partition in terms of preliminary decree? **OPP**.*
4. *Whether plaintiff is entitled for decree of permanent injunction as prayed for? **OPP**.*
5. *Whether plaintiff is entitled for the cost of the suit? **OPP**.*
6. *Relief.*

No other issue arises or pressed for.

List of witnesses be filed by both the parties within 15 days.
Evidence by way of affidavit of the PWs be filed 15 days prior to next date of hearing with advance copy to other side.

Be listed for PE on **12.08.2025**.

(SHILPI M JAIN)
DJ-05 (SW)/Dwarka Courts
New Delhi: 28.04.2025 (sr)