

24 CS DJ ADJ 1146/23
ANJU SHARMA AND ANOTHER Vs. ANITA

08.05.2026

Present: Sh. Nitya Sharma and Sh. Ankur Gupta Ld. counsels for the plaintiffs alongwith both the plaintiffs.

Sh. Amit Baniwal Ld. proxy counsel for the defendant.

On the pleadings of the parties following issues are framed:-

(1) Whether in the year 2001 already a family partition had taken place? If so, the terms thereof? OPD

(2) Whether the suit property is exclusively in the possession of the defendant? OPD

(3) Whether the plaintiff is liable to pay appropriate court fees being out of possession? OPD

(4) Whether the plaintiff has any share in the suit property? OPP

(5) Whether the plaintiff is entitled to relief of partition? If so, the mode thereof? OPP

(6) Cost

(7) Relief

No other issue arises, nor pressed for.

Since the defendant has taken a stand that oral partition has taken place in the year 2001 and property has already come in exclusive share of the defendant and plaintiff has given other properties and if it is believed that the deceased died intestate or even if Will is relied upon, defendant would have had equal share in the suit property.

In these circumstances, defendant will be lead evidence first under Order 18 Rule 1 CPC.

Application under Order 7 Rule 11 CPC is accordingly disposed off as defence raised in the application i.e. that the plaintiff is not

in possession, a partition had already taken place in year 2001 etc. are already made issues.

The claim that partial partition is being sought has also been considered. The other properties are co-owned with other relatives and parties will be different.

At joint request, matter is referred to mediation for **19.05.2026** at **1 PM**.

List the matter before this court on **08.07.2026**.

(HARJYOT SINGH BHALLA)
DJ-03, SOUTH-WEST, DWARKA
NEW DELHI/08.05.2026