

12 CS DJ ADJ 987/19 AMIT KUMAR Vs. OMBATI

23.01.2025

One of regular steno is on leave and no substituted steno is available.

Present: Sh. R D Kaushik, Ld. Counsel for plaintiff along with plaintiff.

Sh. Ashok Kumar Jha, Ld. Counsel for defendant no. 1 along with defendant no. 1.

Defendant no. 2 is already declared *ex-parte* vide order dt. 21.08.2024.

Matter is fixed for admission /denial of documents and framing of issues.

Ld. Counsel for defendant denied all the documents filed on behalf of the plaintiff. Ld. Counsel for plaintiff submits that, no document filed on behalf of the defendant, hence admission /denial of documents is not applicable.

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

1. *Whether plaintiff is entitled for decree of declaration as owner w.r.t. half share (75 sq. yards) in the suit property i.e. half constructed house bearing Old No. 10-B and New no. 829, G Block, Gali no. 17, Area admeasuring 150 sq. yards, part of Khasra no. 49/5/2, 52/1/1 consists of two room, toilet, kitchen situated in Raj Nagar, Part II, Palam Colony total admeasuring 150 sq. yards? **OPP.***
2. *Whether present suit is barred due to misjoinder of the parties as defendant no. 1 has no connection with the plaintiff? **OPD-1***
3. *Whether the present suit is barred as filed in collusion of defendant no. 2? **OPD-1***

4. *Whether present suit is to be dismissed due to deficient court fees, as plaintiff is not in possession of the suit property ? **OPD-1***
5. *Whether plaintiff is entitled for preliminary decree of partition qua the suit property, as prayed for? **OPP**.*
6. *Whether plaintiff is entitled for final decree of partition qua the suit property, as prayed for? **OPP**.*
7. *Whether plaintiff is entitled for the cost of the suit? **OPP**.*
8. *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 **23.04.2025**.

(SHILPI M JAIN)
DJ-05 (SW)/Dwarka Courts
New Delhi: 23.01.2025 (sr)