

JYOTSNA KHATTAR Vs. HARSH GROVER

21.01.2025

Present: Sh. Albar Qureshi, Id. Counsel for the plaintiff through V.C.
Sh. Rishkesh Kumar, Id. Counsel for defendant.

Ld. Counsel for the plaintiff seeks 10 days time for filing deficient court fees.

Pleadings have already been completed in the present case and both counsels pray for framing of issues.

From the pleading of the parties, following issues are framed for adjudication

1. Whether the plaintiff has any right in the property situated at K-3, ground floor, Kirti Nagar, ad-measuring 150 sq. yds. if yes, whether such right entitled the plaintiff to get a decree of the partition of the above said suit property ? OPP
2. In case issue no. 1 is decided in favour of the plaintiff, whether preliminary decree drawing the share of the plaintiff and the defendants in the suit property is required to be drawn up.
3. Whether plaintiff is entitled for the final decree, actually partition the suit property by metes and bounds between the parties? OPP
4. Whether the plaintiff is entitled to decree of permanent injunction against the defendant restraining him and his representatives from selling, alienating or disposing any part of the suit property. OPP
5. Whether late Smt. Asha Grover has executed Will dated 12.05.2012 in her sound disposing mind and the said will is her last, legal and valid Will? OPD
6. Whether late Sh. Prem Grover has executed Will dated 25.07.2014 in his sound disposing mind and the said will is his last, legal and valid Will? OPD

7. Whether on the basis of the above said Wills dated 25.07.2014, the defendant has become absolute owner of the suit property? OPD
8. Whether the plaint of the suit has not been properly verified in accordance with the provisions of CPC? OPD
9. Whether plaintiff has not properly valued the present suit for the purpose of court fees and jurisdiction and has not filed proper court fees? OPD
10. Relief

No other issues arises or pressed. Parties are directed to file list of witnesses within 15 days.

In the present case the defendant is alleging absolute ownership of the suit property on the basis of above said two wills, in case he succeeded to prove the said fact then property will be devolved as per Will and if he fails to prove the same then the property will be divided as per law of instate succession. So, in the present case, firstly, it is necessary to decide whether any Will has been executed by the deceased parents of the parties in favour of the defendant, therefore, the case is fixed for leading evidence firstly, on behalf of the defendant instead of plaintiff.

Put up for evidence on behalf of defendant on 25.04.2025. Advance copy of the affidavit of the witness to be examined on behalf of defendant, on the next date of hearing, be supplied to the opposite party atleast one week prior to the next date of hearing.

(SHIV KUMAR)
DJ-02 (W)THC:Delhi
21.01.2025