

03.10.2019

Present: Both the plaintiffs with Ld. Counsel Ms. Ujala Vishnoi.
D-1 Kamal Singh with proxy Counsel Sh. Ravi Kumar.
None for D-2 and D-3.

D-2 N. K. Samal was served on 04.06.2019. Despite service he is neither appearing nor is he filing his written statement. D-3 Dhiren Samal was served through his wife on 22.10.2018. On behalf of D-3 an Advocate Chander Mohan had appeared on 17.01.2019 and filed his *vakalatnama*. However, he stopped appearing thereafter. Till date, D-3 has not filed his written statement.

None has appeared on behalf of D-2 and D-3 today despite repeated calls since morning. It is already 02:00 pm. D-2 and D-3 are hereby proceeded *ex parte*.

Pleadings are complete. On the basis of pleadings of parties, the following **issues** are hereby framed.

ISSUES

- 1. Whether the plaintiffs prove that defendant no. 2 N. K. Samal purchased plot no. B-144/20, New no. B-83, main road, Kumaon Square, West Vinod Nagar, Delhi being the karta of the joint family? OPP***
- 2. Whether the plaintiffs prove that defendant no. 2 N. K. Samal had put the aforesaid property in the joint family estate (hotch potch) on 10.09.2014? OPP***

3. Whether the plaintiffs prove that there was a family settlement on 10.09.2014? OPP

4. Whether the plaintiffs prove that defendant no. 3 had fraudulently persuaded defendant no. 2 to execute the sale deed? OPP

5. Whether the plaintiffs are entitled to the relief of cancellation of sale deed as prayed for? OPP

6. Whether the plaintiffs are entitled to the relief of permanent injunction as prayed for? OPP

7. Relief.

No other issue arises nor pressed for nor onus of proof objected to. Both the sides to file their list of witnesses within 15 days from today. Plaintiff to file his evidence by way of affidavit with advance copy to the opposite side.

Put up for PE on **21.01.2020**.

(MURARI PRASAD SINGH)
Addl. District Judge-03(East)
Karkardooma Courts-03.10.2019