

ARUN KUMAR
Vs.
MANJU KHATTAR AND ANOTHER

Present: Counsel for parties

O R D E R
20.11.2023

1. On the basis of the pleadings of parties on record and the submissions advanced today, the following issues are framed:

1)Whether plaintiff is entitled for the relief of possession, as prayed for? ...OPP

2)Whether plaintiff is entitled for the relief of mandatory injunction, as prayed for? ...OPP

3)Whether plaintiff is entitled for recovery of sum of Rs. five lakhs, as prayed for? ...OPP

4)Whether plaintiff is entitled for recovery of Rs.10,000/- p.m. as notional rent of the suit property against the defendant? ..OPD.

5)Whether plaintiff has suppressed the material facts qua execution of family settlement dated 15.12.2011, from the Court? ...OPD

6)Whether suit of the plaintiff is barred by law of limitation? ...OPD.

7)Whether the plaintiff entered into the family settlement dated 15.12.2011 with the defendant no.1 and other siblings and in light of the family settlement dated 15.12.2011, suit of the plaintiff is not maintainable? ...OPD

8)Whether without seeking relief of declaration to declare the Will dated 28.06.2011, the suit of the plaintiff is liable to be dismissed? ..OPD.

9)Whether plaintiff has affixed deficient court fee for the relief of recovery of Rs. five lakhs and notional rent?...OPP

10)Relief.

2. No other issue arises or is pressed by either party. Parties are directed to file their respective list of witnesses within 15 days from today with advance copy supplied to each other. Plaintiff is also directed to supply copy of evidence by way of affidavit of witnesses to the defendant at least two weeks prior to the next date of hearing.
3. To come up for plaintiff's evidence on **19.03.2024**.

(Sachin Jain)
ADJ-02, South West
Dwarka Courts, Delhi
20.11.2023/ *DK*