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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CS(OS) 34/2018

MS VEENA PARMAR

..... Plaintiff

Through: Mr.Jai Sahai Endlaw, Mr.Shivansh
Soni, Advocates.

versus

SHRI VIMAL KUMAR MALHOTRA & ANR Defendants

Through: Mr.Saurabh Duggal, Advocate for
defendant No.1.
Mr.Rajan Khanna, Mr.Bijendra
Singh, Advocates for defendant No.2

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

ORDER

% **11.09.2018**

1. The following issues are framed in this suit:
 - (i) Whether the plaintiff, being the daughter of late Sh. H.L. Malhotra and late Smt. Rajinder Kumari Malhotra, is entitled to a decree of partition of the movable and immovable properties of her parents, as more particularly described in paragraph 2 and 3 of the plaint? OPP
 - (ii) Whether the plaintiff, being the sister of the defendants, is entitled to a decree for rendition of accounts in respect of the defendants' business in M/s. Ball Bearing and Machinery Store? If so, from what period and to what effect? OPP
 - (iii) Whether the defendants are liable to be restrained from alienating or otherwise encumbering any part of the estate of late Sh. H.L. Malhotra and late Smt. Rajinder Kumari Malhotra prior to grant of decree of partition as prayed? OPP



- (iv) Whether late Sh. H.L. Malhotra, during his lifetime, assigned the tenancy rights in respect of Shop No.2571 (Ground Floor), behind G.B. Road, Delhi – 110006 in favour of the defendant No.1? OPD1
 - (v) Whether the defendant No.2 received a sum of Rs.70,000/- from his father late Sh. H.L. Malhotra, in lieu of defendant No.2's share in the business of M/s. Ball Bearing and Machinery Store? OPD
 - (vi) Whether the immovable property bearing No.M-50, Kirti Nagar, New Delhi-110015 was divided into two equal parts by the defendants, and the defendants are occupying their respective portions of the said property? OPD2
 - (vii) Whether the plaintiff suit is barred by Order II Rule 2 of the Code of Civil Procedure? OPD
 - (viii) Whether suit is not properly valued for Court fees and jurisdiction? OPD
 - (ix) Relief.
2. Both the parties are directed to file the list of witnesses within 15 days.
 3. List for fixing dates of trial before the Joint Registrar on 22nd October, 2018.

J.R. MIDHA, J.

SEPTEMBER 11, 2018

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