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

+ **CS(OS) 179/2014**

SURINDER SINGH REKHI

..... Plaintiff

Through: Mr.N.S. Bajwa, Mr.Anil Sharma,
Mr.Pramod Sehgal, Mr. Sahil,
Mr.Aman Bhardwaj and Mr. Aman
Sharma, Adv.

versus

DR. T.S. REKHI & ORS

..... Defendants

Through: Ms. Babita Seth, Adv. for D-2(a)
& 2(b)
Mr.Gurbinder Singh Rekhi, D-2(c)
in person and representing D-2(c)
and D-2(d)
Mr. Siddharth Khattar & Mr. Divij
Andley, Adv. for 8(b)
Mr. Karan Kumar, Adv. for Mr. Jai
Sahai Endlaw, Adv. for 8(c)

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

08.12.2022

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1. The learned counsel for the plaintiff submits that pursuant to a Family Settlement arrived at between the legal heirs of late Sh.Nand Singh Rekhi, his title in the suit properties devolved only upon twelve of his thirteen legal heirs, to the exclusion of his wife - Smt.Ram Jawai Rekhi.
2. He submits, on instructions, that the plaintiff also does not dispute that Smt. Prehlad Kanwar executed separate registered release deeds in



favour of the defendant nos.8(b) and 8(c) in respect of her undivided share in property bearing no. 'C-16, East Nizamuddin, New Delhi-110013' and property bearing no. '211, Jor Bagh, New Delhi-110003' respectively.

3. Having perused the contents of the pleadings and having heard the learned counsels for the parties, the following issues are framed:-

- (I) *Whether the present suit is barred by the law of limitation with regard to property bearing no.C-16, East Nizamuddin, New Delhi-110013? OPD 2(a) & 2(b)*
- (II) *Whether the present suit is barred by the provisions of Order II Rule 2 of the Code of Civil Procedure, 1908 with regard to property bearing no.C-16, East Nizamuddin, New Delhi-110013? OPD 2(a) & 2(b)*
- (III) *Whether the plaintiff has properly valued the suit for the purposes of court fees and jurisdiction? OPD 2(a) & 2(b)*
- (IV) *Whether on the demise of Nand Singh Rekhi, there was a family settlement between his legal heirs agreeing that his title in the suit properties would devolve only upon 12 out of his 13 legal heirs, to the exclusion of his wife Ram Jawai Rekhi? OP Parties*
- (V) *Whether Prehlad Kanwar executed separate registered release deeds in favour of the defendant nos.8(b) and 8(c) in respect of her undivided share in property bearing No.C-16, East Nizamuddin, New Delhi-110013 and property bearing No.211, Jor Bagh, New Delhi, 110003, respectively? OPD-8(b) & 8(c)*
- (VI) *What are the respective shares of the parties in the suit properties, either inherited by them as legal heirs of late Nand Singh Rekhi or by inter se transfer between the legal*



*heirs of late Nand Singh Rekhi and the successors in interest
of deceased legal heirs? **OP Parties***

(VII) Relief.

4. Keeping in view the Issues that have been framed, in my opinion, the defendant nos.2(a) and 2(b) would have to lead evidence first.
5. The parties shall file their respective List of Witnesses within a period of four weeks from today.
6. The defendant nos.2(a) and 2(b) shall also file the affidavits of their witnesses in evidence within the same period.
7. List before the learned Joint Registrar (Judicial) on 3rd March, 2023.

NAVIN CHAWLA, J

DECEMBER 08, 2022
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