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

+ **CS(OS) 136/2021 & I.A. 3337/2021, I.A. 8658/2021**

MR. JAGAT NARAIN MEHRAPlaintiff

Through: Mr. Lalit Gupta & Mr. Priyanshu Jain, Advocates along with plaintiff in person.

versus

MR. PRAKASH KISHORE & ORS.Defendants

Through: Mr. Harshvardhan Jha & Ms. Yugandhara, Advs.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER

% **19.02.2025**

1. Having heard learned counsel for the parties, the following issues are framed:-

I. Whether the suit is barred by limitation and deserves to be dismissed? **OPD**

II. Whether the plaintiff has paid adequate Court fees with respect to properties:-

(a) Flat no. 1205, Ansal Tower, 38 Nehru Place, New Delhi

(b) Flat no. LJF 02, Amba Deep, Kasturba Gandhi Marg, New Delhi not being in physical possession thereof? **OPD**

III. Whether the aforesaid properties mentioned in issue (II) are capable of being partitioned in view of the alleged memorandum of family arrangement, memorandum of Gifts, Wills, and Codicils, allegedly executed by Late Mr. Shyam Kishore? **OPD**



- IV. Whether late Mr. Shyam Kishore, duly and lawfully executed any valid will dated 20.12.2010 and codicils dated 01.03.2012 and 23.09.2013, as claimed by the defendant? **OPD**
- V. Whether the memorandum of gift deeds dated April 2007 and 04.04.2007, allegedly executed by late Mr. Shyam Kishore, confer/ transfer any right, title, or interest in the suit properties in favour of defendants nos. 3 and 4? **OPD**
- VI. Whether the alleged Will and Codicils have been propounded by the defendants within the limitation in view of the Plaintiff's denial *qua* the said Will and Codicils? **OPD**
- VII. Whether defendants nos. 3 and 4 have become owners of the properties listed in Paragraph No. 8(c) and 8(d) by way of adverse possession? **OPD**
- VIII. Whether Mr. Shyam Kishore died intestate? **OPP**
- IX. Whether the properties of late Mr. Shyam Kishore are liable to be partitioned equally among his three Class I legal heirs, namely, the plaintiffs and defendant no. 1 and defendant no. 2? and if yes, in what proportion/share? **OPP**
- X. Whether the plaintiff is entitled to the decree of permanent injunction with regard to the suit property? **OPP**
- XI. Whether the plaintiff is entitled to relief of rendition of account as claimed in prayer B? **OPP**
- XII. Whether the plaintiff is entitled to any interest. If yes, to what rate and period? **OPP**
- XIII. Whether the defendants have illegally and fraudulently withdrawn and misappropriated funds from the bank account of late Mr.



Shyam Kishore? **OPP**

2. Let the matter be listed before the concerned Joint Registrar for appropriate proceedings in accordance with the extant rules on 21.04.2025.
3. Let the matter thereafter be placed before the Court on the date assigned by the concerned Joint Registrar.

PURUSHAINDR KUMAR KAURAV, J

FEBRUARY 19, 2025/da/sp

[Click here to check corrigendum, if any](#)