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

+ **CS(OS) 384/2022 & I.A. 9944/2022**

ANURADHA

.....Plaintiff

Through: **Mr. Anil Bhasin, Adv.**

versus

SMT PARVEEN & ORS.

.....Defendants

Through: **Mr. S P Gupta, Adv. for D-1 and D-2.**
Mr. Vijay, Adv. for D-3 and 4
(Through VC)

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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29.08.2024

1. With the assistance of the parties, the following issues have been framed on the basis of the pleadings:-

- a. Whether late Sh. Nihal Chand purchased the property enlisted at serial nos. (i), (ii) and (iii) of paragraph 12 of the plaint with his own funds? If yes, its effect. (OPP)
- b. Whether defendant no. 1 provided funds to late Sh. Nihal Chand for purchasing the property enlisted at serial no. (iv) of the paragraph 12 of the plaint? If yes, its effect. (OPD-I)
- c. Whether defendant no. 1 is entitled to succeed to the property mentioned enlisted at serial no. (v) in paragraph 12 of the plaint to the exclusion of the plaintiff? (OPD-I)
- d. Whether the properties enlisted at serial nos. (i) to (v) form



part of the estate of late Sh. Nihal Chand on the date of his demise? If yes, the share of the plaintiff in the said suit properties.

(OPP)

e. Whether the plaintiff is entitled to any share in the rentals received from the tenants in properties enlisted at serial no. (iii) and (v) of paragraph 12 of the plaint? If yes, then to what amount.

(OPP)

f. Whether the plaintiff is in constructive possession of properties enlisted at serial nos. (i) to (v) of the paragraph 12 of the plaint as alleged? If not, its effect. (OPP)

g. Whether late Sh. Nihal Chand was the real owner of the immovable properties mentioned at serial nos. (i) to (iii) mentioned at paragraph 12 of the plaint? (OPP)

h. Relief and costs.

2. Learned counsel for the plaintiff has proposed an issue with respect to bar of the Prohibition of Benami Property Transactions Act, 1988 in view of the objections raised in the written statement of defendant nos. 1 and 2; however, learned counsel for the defendant nos. 1 and 2 states that he is not pressing the said objection. Accordingly, no issue has been framed on this objection of the defendants.

3. No other issue is pressed by the parties.

4. The parties are directed to file their list of witnesses within a period of four weeks. The evidence affidavit of all the plaintiff's witnesses will be filed within six weeks.

5. List before the learned Joint Registrar (J) for verifying compliance of these directions on **07.11.2024**.



6. The parties shall take instructions with respect to appointment of Local Commissioner for recording evidence before the next date of hearing i.e., 07.11.2024. In case, the parties are not agreeable they will inform the learned Joint Registrar and, in that case, the learned Joint Registrar (J) is requested to fix the dates for recording of plaintiff's evidence.

7. List before the Court on **29.01.2025**.

MANMEET PRITAM SINGH ARORA, J

AUGUST 29, 2024/hp/AKT

Click here to check corrigendum, if any