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

+ CS(OS) 424/2021 and CC 32/2023, CRL.M.A. 17486/2021, I.A. 11534/2021

SOMESH SHARMA

.....Plaintiff

Through: Mr. Vinod Kumar and Mr. Shashank
Sharma and Mr. Goutam, Advs.

versus

SURESH SHARMA

.....Defendant

Through: Mr. Manu Nayar, Adv.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER

% **06.08.2025**

1. With the consent of the parties, following issues are framed for adjudication of the instant civil suit.

*“1. Whether the Plaintiff is entitled to a preliminary decree and Final Decree of partition in respect of the suit property D-27, Anand Niketan, Delhi-110021 & Plot No. 2734, Sector-A, Green Field Colony, Faridabad, Haryana? **OPP.***

*2. Whether the plaintiff is entitled to a decree of permanent injunction against the defendant, his legal heirs, assignees, attorney etc. and anyone acting through the defendant thereby straining them from selling, alienating, disposing of, transferring possession or otherwise creating any third party interest in the suit properties bearing No. D-27, Anand Niketan, New Delhi-110021 and Plot No. 2734, Sector A, Green Field Colony, Faridabad, Haryana? **OPP.***



3. *Whether the plaintiff is entitled to a decree of permanent injunction against the defendant, thereby restraining the defendant, his assignees, legal heirs, attorney and agents etc. from obstructing the entry, use and occupation of plaintiff & his family in respect of the areas in their possession as well as the use of common areas including 2nd floor and roof of the property bearing No. D-27, Anand Niketan, New Delhi? **OPP.***
4. *Whether the plaintiff is entitled to a decree of permanent injunction against the defendant, thereby restraining the defendant, his assignees, legal heirs, attorney and agents, etc., from causing damage/seepage to the ceiling and walls of the ground floor of the property bearing No. D-27, Anand Niketan, New Delhi and from blocking the sewerage by throwing kitchen waste? **OPP.***
5. *Whether the plaintiff is entitled to a decree of permanent injunction against the defendant, thereby restraining the defendant, his assignees, legal heirs, attorney and agents, etc., from carrying on any commercial activity on the suit property bearing No. D-27, Anand Niketan, New Delhi? **OPP***
6. *Whether the present suit is bad for non-joinder of parties? **OPD.***
7. *Whether the parties entered into an oral settlement on basis of which they entered into a family settlement dated 31st May 2016? **OPD.***
8. *Whether the parties have acted upon the said family settlement dated 31st May 2016? **OPD.***
9. *Whether the Defendant is entitled to recovery and rendition of accounts with respect to the movables left behind by L.Smt. Vijay Sharma? **OPD.***
10. *Whether the plaintiff got released the jewelry articles/istridhan kept in the malkhana belonging to the wife of the defendant after obtaining NOC from his wife, Smt. Sangeeta Sharma ? **OPD***
11. *Whether the Defendant is entitled to a decree of partition with respect to 50% of the movable assets left behind by the deceased mother of the parties in the form of savings, left in the banks and fixed deposits or in any other form and the jewellery left behind by her in any form, self-acquired or inherited? **OPD.***



12. Whether the Defendant is entitled to a Decree of Rendition of Account as claimed in Counter Claim?OPP

13. Relief.”

2. List this matter on 08.09.2025 before the concerned Joint Registrar for completion of pleadings and for taking up further necessary steps in accordance with extant rules.
3. Once the pleadings are complete, let the matter be listed before the Court on the date to be assigned by the Joint Registrar.

PURUSHAINdra KUMAR KAURAV, J

AUGUST 6, 2025

aks/sph