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IN THE HIGH COURT OF DELHI AT NEW DELHI

CS(OS) 496/2021

DR. (MRS.) MEENAKSHI DUBEY

..... Plaintiff

Through: Mr.Pushkar Sood, Ms.Shikha
Sood & Mr.Satya Prakash
Singh, Advs.

versus

MR. PANKAJ AGGARWAL

..... Defendant

Through: Mr.Rajesh Gupta &
Mr.Harpreet Singh, Advs.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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02.05.2023

CS(OS) 496/2021

1. After perusing the pleading and hearing the learned counsels for the parties, the following issues are framed: -

- i. *Whether the plaintiff is guilty of willful concealment and suppression of material facts as mentioned in paragraph 3(I)(a) to (h) of the preliminary objections in the written statement? If so, whether the suit is liable to be dismissed on this ground? **OPD***
- ii. *Whether the alleged Family Settlement dated 21.07.1998 was compulsorily registrable under Section 17(1)(b) read with Section 49 of the Registration Act, 1908? If so, what is the effect of it not having been registered? **OPD***
- iii. *Whether the suit is liable to be stayed under Section 10 of the Code of Civil Procedure, 1908, in view of the previously instituted suit, namely, Civil Suit No. 58565/2016 pending in the Court of the Additional District Judge-03, Patiala House Courts, New Delhi? **OPD***
- iv. *What is the effect of the Relinquishment Deed dated 05.06.1984 and the Gift Deeds dated 23.12.2004, 20.02.2008 and 02.04.2012 on the maintainability of the present suit? **Onus on parties***
- v. *Whether the parties are bound by the alleged Family Settlement dated 21.07.1998? **Onus on parties***



- vi. *Whether the plaintiff is entitled for a decree of partition of the property being Ground Floor, terrace/ roof rights of second floor, garage block and undivided free hold land admeasuring 403 Square Yards of Property No. A-11/25, Vasant Vihar, New Delhi-110057 and half share thereof? **OPP***
- vii. *Whether the plaintiff is entitled for half of the share in all the moveable properties left behind by Late Mrs. Indira Aggarwal as mentioned in para 16 of the plaint? **OPP***
- viii. *Whether the Will of Mrs. Indira Aggarwal dated 17.03.2010 is to be declared null and void? **OPP***
- ix. *Whether the plaintiff is entitled for a decree of permanent injunction as prayed in para (d) of the prayer clause of the Plaint? **OPP***
- x. *Relief, if any.*

2. The parties shall file their list of witnesses within a period of four weeks from today. The plaintiff shall file affidavit of evidence of her witnesses within the same period.

3. List before the learned Joint Registrar (Judicial) for fixing dates for recording of the examination of the witnesses on 28th July, 2023.

I.A. 13475/2021 & I.A. 4476/2022

4. The learned counsel for the plaintiff prays for an adjournment on the ground that there is some medical emergency in his home.

5. At request, re-list before the Court on 18th August, 2023.

NAVIN CHAWLA, J

MAY 2, 2023/rv