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

+ **CS(OS) 547/2022**

ANURADHA MITTAL

..... Plaintiff

Through: Mr. Joby P. Varghese and Mr. Aby P. Varghese, Advocates.

versus

DEEPAK KUMAR & ANR.

..... Defendants

Through: Mr. Ankit Jain, Mr. Aditya Chauhan and Ms. Apurva Tyagi, Advocates for D-1.
Mr. Rahul Kaul and Mr. Surinder Kaul, Advocates for D-2.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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10.05.2024

The matter is stated to be ripe for framing issues.

2. Mr. Ankit Jain, learned counsel appearing for defendant No.1 has handed-up their proposed issues.
3. Mr. Rahul Kaul, learned counsel appearing for defendant No.2 relies upon the same issues.
4. Mr. Joby P. Varghese, learned counsel appearing for the plaintiff submits, that the court may frame issues based on the proposed issues handed up by defendant No.1.
5. Upon a perusal of the pleadings in the matter; and after hearing learned counsel in the matter, the following issues are framed :



- 5.1. Whether the plaintiff is entitled to relief of partition in respect of the properties as per details set-out in para 16 of the plaint, or to partition of any one or more of the said properties. OPP.
- 5.2. Whether the plaintiff is entitled to the relief of injunction as prayed-for in respect of the suit properties or any of them. OPP.
- 5.3. Whether the plaintiff is entitled to a decree of rendition of accounts in relation to rental income received by defendant No.1 in respect of the suit properties or any one or more of them. OPP.
- 5.4. Whether Will dated 29.03.2012 of late Devender Kumar Mittal is his genuine, last and final Will; and if so; to what effect. OPD.
- 5.5. Whether the claims in suit are barred by limitation. OPD1.
- 5.6. Whether there was any oral family settlement dated 02.07.2015 between the parties; and if so, to what effect. OPD1.
- 5.7. Whether document dated 03.07.2015 (filed by defendant No.1 at serial No.1 of his list of documents) was signed by the plaintiff; and if so, to what effect. OPD1.
- 5.8. Relief.
6. No other issue arises or is pressed.
7. List before the learned Joint Registrar for recording of evidence and for further proceedings on 18th July 2024.
8. List before court thereafter.

I.A. 14671/2022

9. In the meantime, as requested by learned counsel appearing for the parties, parties are referred to mediation before the Delhi High Court Mediation & Conciliation Centre, with a request to the learned Organizing Secretary to appoint an appropriate mediator in the matter.



10. The mediation shall be time-bound, to be completed before the next date in court.
11. Let the parties approach the Mediation Centre on Wednesday, *i.e.* 15th May 2024 at 02:30 p.m. for the above purpose.
12. A copy of this order be sent to the learned Organizing Secretary of the Mediation Centre, for information and compliance.
13. Awaiting the outcome of mediation, list on 28th August 2024.
14. Interim order to continue, till the next date of hearing.

ANUP JAIRAM BHAMBHANI, J

MAY 10, 2024/ak