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

+ **CS(OS) 457/2020**

MS. ARUN SAINI @ GUDDI (NEE ARUN BALA JAIN)

.....Plaintiff

Through: Mr. Tarun Diwan, Adv.

versus

SHRI NIRMAL KUMAR JAIN & ANR.

.....Defendant

Through: Mr. Dinesh Agnani, Sr. Adv with Ms. Leena Tuteja and Ms. Ishita Kadyan, Advs for D-1.
Ms. Suruchi Mittal and Mr. Ujjawal Tripathi, Advs for D-2.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

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16.10.2025

I.A. 38029/2024 (BY PLAINTIFF- U/O 7 RULE 14 (3) – TAKE DOCUMENTS ON RECORD)

1. For the reasons stated in the instant application, the same stands allowed.
2. The documents, as prayed for, are taken on record, subject to any objections raised by the opposing party regarding their authenticity, genuineness, and relevance. Such objections will be considered during the course of the trial.
3. The instant application stands disposed of.



I.A. 38565/2024 (BY DEF NO.2- U/ O 8 RULE 9 -TO FILE REPLY TO THE WRITTEN STATEMENT OF THE DEFENDANT NO.1)

4. The statement of Mr. Dinesh Agnani, learned senior counsel for defendant no.1, is taken on record. He contends that nothing stated in his written statement against defendant no.2 should be treated as part of the record.

5. Under these circumstances, there is no requirement for defendant no.2 to file a reply to the written statement filed by defendant no.1.

6. Accordingly, the instant application stands disposed of.

CS(OS) 457/2020 and I.A. 7088/2023, I.A. 39934/2024, I.A. 7584/2025

7. Consequent to the order passed in I.A., there is no impediment in framing the issues.

8. Accordingly, the following issues are framed for adjudication:

- (i) Whether the suit is barred by the limitation? OPD
- (ii) Whether any cause of action has arisen? OPD
- (iii) Whether the plaintiff has properly valued the suit and has paid the Court fees? OPP
- (iv) Whether the plaintiff is entitled to a decree against defendant no.1 declaring the sale deed dated 19.08.2005 null and void? OPP
- (v) Whether the plaintiff is entitled to a decree of permanent injunction restraining defendant no.1, his agents, servants, employees, attorneys, or any person claiming under him from alienating, encumbering, transferring, selling, or creating any third-party interest in the suit property, i.e., Property No. B-220, Saraswati Vihar, New Delhi, measuring 194.21 sq. meters,



together with the proportionate land underneath? OPP

- (vi) Whether the plaintiff is entitled to a preliminary decree for partition declaring the respective equal 1/3rd shares of the plaintiff and the defendants in respect of the suit property? OPP
- (vii) Whether the plaintiff is entitled to a decree for rendition of accounts regarding the pension, FDRs, incomes, and expenditures of the deceased father of the parties, late Girdhari Lal Jain, with effect from September 2016? OPP
- (viii) Whether the plaintiff is entitled to a decree of mandatory injunction directing the defendants to disclose the entire movable assets (including gold and silver jewellery), furniture, utensils, along with their respective values and whereabouts, left behind by the deceased father of the parties; and on such disclosure by defendant no.1, whether such movable assets should be partitioned equally in one-third shares among the plaintiff and defendants no.1 and 2? OPP
- (ix) Relief.

9. In view of the aforesaid, Mr. Ujjwal Kishore Rajora, Advocate (Mobile No: +91 7976720019, Email Id: ujjwaldhc@gmail.com) is appointed as the Local Commissioner to record the evidence of the parties with the following terms:

- (i) The remuneration of the Local Commissioner will be Rs. 15,000/- per hearing which shall be borne entirely by the defendant no 1.
- (ii) However, if the hearing is adjourned at the request of any of the parties, the cost of that particular hearing shall be borne by the



concerned Party.

10. Let the copy of the said order be sent to the Local Commissioner through the electronic mode as well.
11. The hearing of the suit be expedited and the same be completed within six months.
12. The pending applications shall be considered by the Court after the evidence is recorded.
13. List this matter on 06.11.2025 before the Joint Registrar for listing of the matter before the Local Commissioner, once the affidavit of evidence is filed, thereafter, list before the Court on the date to be assigned by the Joint Registrar.

PURUSHAINDR KUMAR KAURAV, J

OCTOBER 16, 2025

aks/sph