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

+ **CS(OS) 464/2019**

UMESH CHANDER SHARMA & ANR. Plaintiffs

Through: Mr. Ankit Gupta, Advocate
(Ph.9717134040, e-mail:
ankitg@gmail.com).

versus

NARESH SHARMA & ORS Defendants

Through: Mr. Saurabh Mishra, Advocate for
D-1 (Ph.9990069992, e-mail:
saurabhmishra88@hotmail.com).

Ms. Jyoti, Advocate for D-2 (Ph.
9716978896, e-mail:
jyotiadvocate96@gmail.com).

Mr. Rahul Sagar Sahay and
Mr. Raghav, Advocates for D-3 and 4
(Ph.9958867445, e-mail:
rahul.sahay@sahaychambers.com)

Dr. Balram Singh, Advocate for D-5
(Ph.9560103966, e-mail:
dr.balramsingh@gmail.com).

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

22.07.2022

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1. The matter is listed for framing of issues. It is pointed out that defendant Nos. 2 and 5 have no objection to the present petition and are supporting the plaintiffs' case. With the consent of the parties, following issues are framed:

(i) Whether the suit property is liable to be partitioned by a decree of partition and if yes, in what share? **OPP**



(ii) Whether the Plaintiffs are entitled to decree of permanent injunction, as prayed for? **OPP**

(iii) Whether the Plaintiffs have already taken their share in the suit property? **OPD-1**

(iv) Whether Plaintiffs have lost their title in the suit property by ouster and adverse possession? **OPD-1**

(v) Whether the Plaintiffs and Defendant No.5 had relinquished their respective shares in the suit property? **OPD- 1**

(vi) Whether Late Sh. Radhey Lal Sharma during his lifetime had executed a Will dated 10.07. 1993? **OPD -3&4**

(vii) Relief.

2. No other issue arises or is pressed upon by the parties.
3. Parties are directed to file their list of witnesses within four weeks.
4. It is agreed between the parties that since issue Nos. 3 to 6 as framed hereinabove, place the onus of proof on the defendant Nos. 1, 3 and 4, therefore, it would be appropriate if defendants lead their evidence first. In view of the aforesaid, with the consent of parties, it is directed that the defendants will lead their evidence first.
5. In view thereof, defendant Nos. 1, 3 and 4 are directed to file their evidence by way of affidavit within eight weeks.
6. List before the Joint Registrar for fixing the dates of trial on 07.10.2022.

MINI PUSHKARNA, J

JULY 22, 2022/PB