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

+ **CS(OS) 659/2019**

DR. ANUPAM NIDHI & ANR.

..... Plaintiffs

Through: Mr. Abhijit Mishra, Advocate.

versus

SH. YOGESH DEEP & ANR.

..... Defendants

Through: Mr. Devang Gautam, Advocate for
D2.

Counsel for D-1 (appearance not
given)

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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13.09.2022

Learned counsel seeks to enter appearance on behalf of defendant No. 1 and submits that he will file his *vakalatnama* within 01 week.

2. In the meantime, learned counsel appearing for the plaintiffs and defendant No. 2 submit that issues are required to be framed in the matter.
3. Learned counsel for the plaintiffs and defendant No. 2 have handed-up draft issues.
4. Although no draft issues have been proposed on behalf of defendant No. 1, learned counsel for the said defendant has no objection if the court proceeds to strike issues between the parties, taking into account the objections taken in the written statement filed by defendant No. 1.



5. Accordingly, on the basis of the pleadings between the parties, the following issues are framed:
- Whether the plaintiffs are entitled to a decree of partition of property bearing House No. 59, Block B-5, Paschim Vihar, New Delhi; and if so, what is the share of each of the parties in the suit property. OPP.
 - Whether there was a family settlement between the parties in the year 2008, whereby defendant No. 1 became the sole and absolute owner of the suit property; and if so, to what effect. OPD-1.
 - Whether appropriate court fee has been affixed on the plaint; and if not, to what effect. OPD-1.
 - Relief.
6. No other issue arises; or is pressed.
7. For the plaintiffs to file affidavits-in-evidence and for further proceedings, list before the learned Joint Registrar on 17th October 2022.

I.A. 13522/2021(for early hearing)

8. Application stands disposed of, as infructuous.

CRL.M.A.3846/2021, I.A. 18030/2019, I.A.11124/2020,

9. Pleadings in these applications are stated to be complete.
10. Re-notify for hearing on 08th December 2022.

ANUP JAIRAM BHAMBHANI, J

SEPTEMBER 13, 2022

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