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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CS(OS) 1113/2010, CC. 9/2017 & I.A. 20776/2012

N.K. ARORA

..... Plaintiff

Through: Mr. Prashant Katara and Mr. Soin
Khan, Advs.

versus

SUNIL ARORA

..... Defendant

Through: Ms. Manmeet Arora, Ms. P. Kaul and
Mr. Harkirat Singh, Advs.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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15.10.2019

After hearing the learned counsel for the parties and on the basis of the pleadings, the following issues are framed:

- “(1) Whether the plaintiff is entitled to claim the relief of partition after having admittedly executed the unregistered relinquishment deed dated 07.06.2005 for his entire share in the suit property? **OPP***
- (2) Whether the plaintiff is entitled to claim rendition of accounts and the recovery of rent after having admittedly executed the unregistered relinquishment deed dated 07.06.2005 for his entire share in the suit property? If so, to what amount. **OPP***
- (3) Whether the plaintiff is entitled to interest? If so, at what rate. **OPP***
- (4) Whether the plaintiff is in joint and constructive*

possession of the suit property?

OPP

(5) *Whether the plaint is liable to be rejected due to deficient Court fee?*

OPD

(6) *Whether the defendant is entitled to registration of the Relinquishment Deed dated 07.06.2005?*

OPD

(7) *Whether the counter claims are barred by limitation?*

OPP

(8) *Costs.*

(9) *Reliefs."*

No other issue arises or is pressed. The plaintiff shall file the list of witness within 15 days. Affidavit(s) by way of examination-in-chief of all the witness be filed within four weeks.

At this stage, learned counsel for the parties agree that a Local Commissioner be appointed for recording of the evidence.

Noting the said submission, this Court appoints Mr. Narinder Paul Kaushik, retired ADJ as a Local Commissioner for recording of the evidence. The parties shall appear before the Local Commissioner for preliminary hearing by taking a prior appointment on his mobile No: 9910384663.

The fee of the Local Commissioner is fixed at Rs.1 Lac. Any out of pocket expenses shall be paid as per actuals. The fee of the Local Commissioner shall be borne equally by both the parties.

List before Joint Registrar on November 20, 2019 for ensuring the filing of the affidavit(s).

V. KAMESWAR RAO, J

OCTOBER 15, 2019/aky