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

+ **CS(OS) 438/2016**

SH. SURENDRA KUMAR GUPTA

..... Plaintiff

Through **Ms.Chavi Sood, Advocate.**

versus

SH. ASHOK KUMAR GUPTA AND ORS

..... Defendants

Through **Mr.Sameer Diwan with Mr.Jainendra
Kumar, Advocates.**

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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11.12.2017

With consent of the parties, the following issues are framed:-

1. Whether the plaintiff is entitled to preliminary decree of partition of the suit properties as mentioned in para 2 of the plaint? OPP
2. Whether the plaintiff is entitled to separate possession of his share in the suit properties, if so, in what manner? OPP
3. Whether the plaintiff is entitled to relief of permanent injunction as prayed for in prayer clause (g)? OPP
4. Whether the movable and immovable assets of late Sh.Prem Prakash Gupta and late Bhagwati Devi Gupta have already been partitioned? OPD
5. Whether late Prem Prakash Gupta executed his last legal and valid Will dated 23rd February, 2012? OPD
6. Whether the plaintiff has not paid proper court fee in the



suit? OPD

7. Whether late Sh.Prem Prakash Gupta left behind Rs.2,66,51,000/- in cash at the time of his death? OPP
8. Whether late Sh.Prem Prakash Gupta had given Rs.50 lakhs each to defendant nos.1 & 2 as loan at the time of marriages of their respective sons? OPP
9. Whether the amount of Rs.3,25,000/- recovered from Bharat Ind Corporation was illegally transferred to Sh.Ayush Gupta, son of Sh. Ashok Gupta on 16th September, 2015? OPP
10. Whether the amount of Rs.10,09,000/- recovered from Bharat Ind Corporation was illegally transferred to Sh.Anuj Gupta, son of defendant no.1, Sh.Ashok Gupta on 16th September, 2015? OPP
11. Whether the cash balance of Rs.95,000/- in the PP Gupta HUF A/c was mutually agreed to be given to defendant no.2 so as to make the deficiency of his share of Rs.30 lakhs so as to make it at par with the plaintiff and defendant no.1? OPD
12. Whether late Sh.P.P.Gupta was ever the owner of the properties at 92 H, Alipur Road, Kolkatta and 3rd floor, 20 Maharishi Devindra road, Kolkatta? OPP
13. Relief.

The parties are directed to file/re-file their list of witnesses within a period of two weeks.

The plaintiff is directed to file evidence by way of affidavits within a further period of four weeks.

List the matter before the Joint Registrar for recording of



plaintiff's evidence on 23rd February, 2018.

The Joint Registrar shall list the matter before the Court after the entire evidence has been recorded.

MANMOHAN, J

DECEMBER 11, 2017
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