



\$~ 23

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

+ **CS(OS) 2079/2015**

MAADHAV ANAND KUMAR Plaintiff

Through: Ms. Monika Arora and Mr. Yash Tyagi, Advocates.

versus

SAROJ KUMARI GUPTA & ORS Defendants

Through: Mr. Adhirath Singh and Mr. Raymon Singh, Advocates for applicant/defendant.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

%

20.10.2022

I.A. 17279/2022 (O-XIV R-5 of CPC) in CS(OS) 2079/2015

1. The present application has been filed on behalf of defendants no.3 and LR's of the defendant no.2 seeking framing of additional issues.
2. The issues in the present suit were framed on 17th August, 2016. However, the trial is yet to commence in the matters.
3. Counsel for the plaintiff does not oppose the said request but submits that another issue be framed with regard to late Smt. Saroj Kumari Gupta being of unsound mind at the time of filing CS(OS) 2104/2013.
4. Accordingly, the following additional issues are framed :
 - (i) Whether the Registered Will dated 13.11.2013 of late Smt. Saroj Kumari Gupta is genuine Will or not? OPD
 - (ii) Whether the purported Will dated 07.10.2009 of late Smt. Saroj



Kumari Gupta bought on the record by the Plaintiff is a genuine Will or not? OPP

(iii) Whether the suit property can be partitioned and if so, then on what basis? OPP

(iv) Whether late Smt. Saroj Kumari Gupta was of unsound mind at the time of filing of CS(OS) 2104/2013 by her? OPP

5. In terms of the orders passed above, the application stands disposed of.

CS(OS) 2079/2015

6. List on 13th December, 2022, the date already fixed.

AMIT BANSAL, J.

OCTOBER 20, 2022
at