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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 48/2017**
KHURSEEDA

..... Plaintiff

Represented by: Mr. Sabyasachi Mishra, Adv.

versus

SALAUDDIN AND OTHERS

..... Defendant

Represented by: Ex-parte.

CORAM:
HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

10.10.2019

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I.A. 14019/2019

1. Defendants have already been proceeded ex-parte by this Court vide order dated 10th July, 2019.

2. On the basis of written statement filed by the defendant No.7 vide order dated 10th July, 2019 the issue No. (ii) was framed as under:

“(ii) Whether defendant No.7 had on receipt of ₹14,75,000/- from defendant No.1 stated that she would not claim any rights in the suit properties? If so, its effect? (OPD-7)”

3. By this application learned counsel for the plaintiff submits that the issue is required to be recast and it should be framed as under:

“Whether plaintiff had on receipt of ₹14,75,000/- from defendant No.1 stated that she would not claim any rights in the suit property? If so, its effect? (OPD-7)”

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4. Since all the defendants have been proceeded ex-parte vide order dated 10th July, 2019 an issue with an onus on the defendant cannot be framed. Consequently, issue No. (ii) is directed to be deleted as an issue.

5. Application is disposed of.

CS(OS) 48/2017 & I.A. 1379/2017 (u/O XXXIX R 1&2 CPC)

1. List of witnesses along with the affidavit by way of evidence of plaintiff's witnesses has already been filed.

2. List for plaintiff's evidence before the learned Joint Registrar on 30th October, 2019.

3. Awaiting the report of the learned Joint Registrar, list before Court on 16th December, 2019.

MUKTA GUPTA, J.

OCTOBER 10, 2019
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