

13.03.2026

Present: Sh. S.S. Sharma & Ms. Madhu, Ld. counsel for plaintiff.
Sh. Mohd.Tabrez & Sh. Mohd. Nasir, Ld. counsel for D-1 and D-2.
None for D-3 to D-7.

IA no. 2/26 (plaintiff's application u/O VIII Rule 10 CPC).

1. Plaintiff seeks a judgment in his favour as D-3 to D-6 have not filed their written statement despite service. This is a suit for partition and the same is being contested by D-1 and D-2. The interse right of the parties can only be decided after trial and thus, no part decree of partition only qua D-3 to D-6 can be passed because they have failed to file their written statement. Application is misconceived. It is dismissed.

IA no. 1/26 (plaintiff's application u/s 151 CPC directing D-1 and D-2 to produce certain original documents and also to direction Income Tax authorities in terms of judgment passed in the matter of RBANMS Educational Institute vs. B. Gunashekhar by the Hon'ble Supreme Court of India having civil appeal no. 5200 of 2025).

2. Reply to the said application filed. Copy supplied.
3. Counsel for D-1/D-2 submit that the originals of the documents sought to be discovered in prayer (i) of the application are in the possession of plaintiff himself and D-1 only has coloured photographs of the said documents in his mobile phone which he has filed with the reply to the present application. This fact is disputed by counsel for plaintiff.
4. Since D-1 has given in writing that he does not have the originals of the

documents sought to be discovered in terms of prayer (i) of present application, the application qua the said prayer is disposed off with liberty to either of the parties to prove the said documents as per law.

5. Again, as far as direction to Income Tax authorities is concerned, considering the mandate of RBANMS Educational Institution (supra) let intimation be sent to the concerned tax authorities for the transaction being set up by D-1 with copy of the documents.
6. Application is disposed off.

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7. D-3 to D-6 have not filed their written statement despite expiry of statutory time, accordingly their right to file written statement is closed. D-7 was also served on 24.11.2025. He has neither entered appearance nor filed the written statement. Thus, the right of D-7 to file written statement is also closed.
8. **D-3 to D-7 are proceeded ex-parte.**
9. Perusal of record shows that plaintiff has not clarified in terms of order dated 06.10.2025 till date. An amendment was made to the plaint on 03.11.2025 but, the issues flagged in order dated 06.10.2025 still persist in the amended plaint. Let plaintiff clarify on this aspect on next date.
10. List on 02.06.2026.

AASHISH GUPTA
DJ-01/NE/KKD/DELHI
13.03.2026