

11.03.2026

Present: Sh. Sumit Gupta, Ld. Counsel for plaintiff.
Sh. Jitender Khullar, Ld. Counsel for defendant.

1. Plaintiff has filed replication. Plaintiff has also filed her affidavit of admission/denial. Copy supplied.
2. Defendant has not produced the original of the Will dated 04.08.2025 despite directions. Counsel for defendant submits that defendant has preferred a separate probate petition and the said original Will shall be filed in the said case.
3. Defendant also seeks time to file his affidavit of admission/denial of documents. Let the same be filed within 15 days from today with copy to the other side.

IA no. 1/26 (stay application).

4. Plaintiff presses her application u/O XXXIX Rule 1 & 2 CPC praying that since she has half share in the suit property in the capacity of class-I legal heir of deceased Premwati, therefore, till the pendency of suit defendant be restrained from creating third party interest. Counsel for defendant submits that he has no objection in case an interim stay is granted till the pendency of suit in the manner prayed.
5. Thus, considering the averments made in the plaint and keeping in mind the concession given by counsel for defendant, the application is allowed. Defendant is restrained from creating

any third party interest in the suit property to the extent of plaintiff's claim of half share in the suit property i.e. property bearing no. E-182/10, Khajuri Khas, Delhi-110094 measuring 25 square yards (more specifically shown in red in the site plan annexed with plaint) till pendency of the suit.

6. Application is disposed off.
7. List for admission/denial of documents and framing of issues on 29.04.2026. In case the petition for probate is not filed by that date by the defendant, defendant to produce the original Will dated 04.08.2025 on NDOH.

Aashish Gupta
DJ-01/NE/KKD/DELHI
11.03.2026