

Item No. 02

CS DJ No. 1918/17

**Rakesh Kumar Ramwani v. Deepak Ramwani**

**Present:** Mohd. Danish, learned proxy counsel for Sh. Anees Ahmad, learned counsel for all the four plaintiffs alongwith plaintiffs no.1, 2 & 4.

Sh. Anees Ahmad (through video conferencing), learned counsel for all the four plaintiffs.

Sh. Satinder Singh Mathur (through video conferencing), learned counsel for defendant no.1.

Defendant no.1 & LR no.4(c)(viii) in person.

Sh. Yogesh Sharma, learned counsel for LRs of defendants no.2 & 3.

None for other defendants.

Submissions heard. Record perused.

Present is a suit for partition, permanent and mandatory injunction filed by four plaintiffs against three defendants namely (1) Deepak Ramwani, (2) Krishan Kumar Ramwani and (3) Pritam Kumar Ramwani.

Defendant no. 1 contested the suit by filing written statement.

Vide order dated 18.09.2019, consequent upon the death of defendant no. 3, Pritam Kumar Ramwani, application under Order 22 Rule 4 CPC filed by the plaintiffs was allowed and LRs Smt. Jaishree Ramwani (wife) and Sh. Yash Ramwani (son) of deceased were made party.

Written statement on behalf of defendant nos. 2 and 3 through LRs was filed on 23.09.2019.

Another application under Order 1 Rule 10 CPC filed by the defendant no. 1 was also allowed whereby defendants nos. 4 to 20 were made party to the suit by the learned Predecessor Court.

Subsequently, vide order dated 20.02.2021 consequent upon the death of defendant no. 2 Krishan Kumar, application under Order 22 Rule 4 CPC filed by the plaintiff was allowed and LRs Smt. Meena Kumari (wife), Sh. Lokesh Ramwani (son), Sh. Rajesh Ramwani (son) and Ms. Dolly Ramwani (daughter) were made party to the suit.

Issues were framed on 20.02.2021. Thereafter, vide order dated 28.04.2022, additional issue was framed.

For the sake of convenience, all the issues are reproduced as under:

1) Whether the plaintiffs have concealed the material facts from this court and has not approached the court with clean hands? OPD-1.

(2) Whether the suit of the plaintiff is not maintainable in law and in facts? OPD-1&2.

(3) Whether the plaintiff is entitled for preliminary decree of partition of suit property bearing no. 226/B/1, Prakash Mohalla, Garhi, Lajpat Nagar, New Delhi? OPP.

(4) Whether the plaintiff is entitled for a decree of mandatory injunction in favour

of the plaintiffs and against the defendants thereby directing the defendants not to demolish / remove the addition and alteration made by them in the suit property in question? OPP.

(5) Whether the plaintiff is entitled for a decree of permanent injunction in favour of the plaintiffs and against the defendants thereby restraining the defendants not to create any third party interest in the suit property in question? OPP.

(6) Whether the suit of the plaintiff is bad for non-joinder of necessary parties? OPD.

(7) Relief.

It is submitted by Sh. Yogesh Sharma, learned counsel for LR's of defendant no. 2 and 3 that Smt. Jaishree Ramwani has expired on 23.08.2025. Copy of death certificate is also filed.

It appears that the proper memo of parties has not been filed.

Ld. Counsel for plaintiffs submits that due to some personal difficulty, he could not take the steps for service of summons upon defendants no.4 to 20.

One last opportunity is given to plaintiff to take the steps for service of defendants no.4 to 20 within seven days from today.

Issue summons to defendants no.4 to 20 in terms of order dated 18.01.2025 on filing PF as well as through Speed Post for the next date of hearing.

Plaintiffs are directed to file proper memo of parties.

List the case on 02.03.2026.

**[Kuldeep Narayan]  
District Judge - 02  
South-East District  
Saket Courts, Delhi  
15.12.2025 / bh**