

13.03.2026

Fresh case received by way of assignment. It be checked and registered.

Present: Ms. Beena Sharma, Ld. Counsel for Plaintiff through VC.
Plaintiff no.2 in appearing through VC.

Issue summons of the suit for settlement of issues and notice on the injunction application, on filing of PF/Speed Post/AD, returnable for **09.04.2026**.

Application under Order 39 Rule 1 & 2 of CPC.

This is a suit for declaration and partition. It is stated that deceased mother and father of the parties were jointly co-owner of property Upper Ground Floor without roof right bearing no.43, area admeasuring 100 Sq. Yards, Khasra no.209, Village Bindapur in Colony known as Indira Park Extension, New Delhi (hereinafter referred to as suit property).

Photocopy of sale deed has been filed. It is claimed that the mother of the parties died intestate, whereas the father has executed allegedly two Wills in the lifetime. The second Will which is in favour of the defendant qua the share of the father is challenged in the present proceedings, as not having been executed by the father in his proper senses.

Taking prima facie view of the matter, if the Will is accepted even then the plaintiffs herein would have share in the share left behind by the deceased mother in the suit property.

In these circumstances, considering that plaintiffs have prima facie share in the suit property and plaintiffs have made out a prima facie case, balance of convenience is also in favour of the plaintiffs and irreparable harm and injury may be caused to the plaintiffs

if ex-parte order is not granted in favour of the plaintiffs, accordingly, defendants are directed to maintain the status quo with regard to title and possession of the property till the next date of hearing.

Compliance of Order 39 Rule 3 of CPC be made within 2 days.

Order dasti.

(HARJYOT SINGH BHALLA)
DJ-03, SOUTH-WEST, DWARKA
NEW DELHI/13.03.2026