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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CS(OS) 10/2025**

SHRI INDERPAL SINGH AND ANOTHERPlaintiffs

Through: Mr. Sunil Malhotra, Ms. Sonali
Malhotra & Ms. Sakshi Singh,
Advocates

versus

SMT. BALJEET KAUR AND ANOTHERDefendants

Through: None

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

% **09.01.2025**

I.A. 369/2025 (Exemption from filing certified copies)

1. Exemption is granted, subject to all just exceptions.
2. Applicant shall file legible, clear, and original copies of the documents on which the applicant may seek to place reliance before the next date of hearing, whichever is earlier.
3. Accordingly, the present application is disposed of.

CS(OS) 10/2025

1. The plaint be registered as a suit.
2. Summons be issued to the defendants by all permissible modes on filing of process fee. Affidavit of service be filed within two weeks.
3. Summons shall indicate that the written statements must be filed within thirty days from the date of receipt of the summons. The defendants shall also file affidavits of admission/denial of the documents filed by the plaintiff,



failing which the written statements shall not be taken on record.

4. Plaintiffs are at liberty to file replications thereto within thirty days after filing of the written statements. The replications shall be accompanied by affidavits of admission/denial in respect of the documents filed by the defendants, failing which the replications shall not be taken on record.

5. It is made clear that any unjustified denial of documents may lead to an order of costs against the concerned party.

6. Any party seeking inspection of documents may do so in accordance with the Delhi High Court (Original Side) Rules, 2018.

7. Counsel for the plaintiff states that they have filed the basic court fee on account of constructive possession of the said property. This aspect shall be considered on the next date of hearing.

8. List before the learned Joint Registrar for marking of exhibits on 3rd March 2025.

9. List before the Court on 6th May 2025.

I.A. 368/2025 (under Order 39 Rule 1 & 2 of CPC)

1. By this application, plaintiffs seek restraint on defendants and all those acting for or on their behalf from alienating properties bearing (i) No.D-121, First Floor, Right Side, Vikas Puri, D Block, New Delhi-110018; (ii) Shop bearing No.5, situated on the ground floor, without roof rights of the property bearing No.D-121, Block-D, Vikas Puri, New Delhi-110018; and (iii) Plot bearing No.4, Khasra No.18/3, Main Bhatta Road, Saroop Nagar, Delhi-110042.

2. It is stated by plaintiffs that they are sons of Late Shri Kuldeep Singh, who died intestate on 26th April 2023. Plaintiffs were born out of wedlock of their late father, Shri Kuldeep Singh, with Smt. Inderjeet Kaur, his first wife,



who passed away on 17th May 1992. Subsequently, Late Shri Kuldeep Singh married Smt. Baljeet Kaur, defendant No.1, in 1993, and out of this wedlock, one daughter, namely, Ms. Dashpreet Kaur, defendant No.2, was born.

3. As per plaintiffs, Late Shri Kuldeep Singh acquired the aforementioned properties from his own funds, whereas defendant no.1 was always a homemaker and was not employed. Considering that Late Shri Kuldeep Singh died intestate, plaintiffs claim 1/4th undivided share each in all the above properties (1/4th share each for both plaintiffs and both defendants no. 1 and 2).

4. As per information provided by plaintiffs, Shop No.5 has been tenanted out by defendants and besides monthly rent, they have received security amount of Rs.15 lakhs deposited by the tenants. Post some conversations between the parties, defendant no.1 had assured the plaintiffs that half of the rental income would be shared with them. However, the same has not been done so far.

5. It is stated that at the end of October 2024, plaintiffs approached and requested defendant no.1 to partition the aforementioned suit properties (including all movable and immovable properties) into four equal shares between plaintiff nos. 1 and 2 and defendant nos. 1 and 2. However, defendant no.1 asserted that she was the sole and exclusive owner of all the properties and denied any share to plaintiffs.

6. Legal notice dated 29th November 2024 was sent to defendants through speed post, and as per the tracking report, the same stands duly served. However, no response to the notice has been filed by defendants. In these circumstances, plaintiffs seek prayers in this application.

7. Considering that plaintiffs have made out a *prima facie* case for interim orders in their favour, and the balance of convenience lies in their favour, and



there is likelihood of irreparable loss being caused to the plaintiffs in case third party rights are created with respect to the said properties, it is directed that the parties shall maintain a *status quo* as to title and possession with respect to all the properties bearing No.D-121, First Floor, Right Side, Vikas Puri, D Block, New Delhi-110 018, Shop bearing No.5, situated on the ground floor, without roof rights of the property bearing No.D-121, Block-D, Vikas Puri, New Delhi-110018 and Plot bearing No.4, Khasra No.18/3, Main Bhatta Road, Saroop Nagar, Delhi-110 042, till the next date of hearing.

8. Reply to the application be filed within four weeks. Rejoinder thereto, if any, be filed within three weeks thereafter.

9. Provisions of Order XXXIX Rule 3 of the Code of Civil Procedure, 1908 be complied with within one week from today.

10. List before the Court on 10th March 2025.

11. Order be uploaded on the website of this Court.

ANISH DAYAL, J

JANUARY 9, 2025/sm/tk