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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CS(OS) 15/2021

RAJ KUMAR SETHI

..... PLAINTIFF

Through Mr Vivek Kholi, Sr. Adv. along with
Mr.Shanker Chhabra, Ms.Yeshi Rinchhen and
Ms.Malvika Jain, Advs.

versus

ASHOK KUMAR SETHI & ORS.

..... DEFENDANTS

Through Mr.Rajesh Mahindru, Adv. for D-1 &
2.

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

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08.01.2021

This hearing is conducted through Video-Conferencing.

IA No. 307/2021(exemption)

Exemption is allowed subject to all just exceptions.

CS(OS) 15/2021

Let the plaint be registered as a suit.

Issue summons.

Learned counsel for defendants No. 1 and 2 accepts summons.

Written statement be filed within 30 days. Rejoinder be filed within
30 days thereafter.

Issue summons to the remaining defendants, returnable before the
Joint Registrar on 08.03.2021.

IA No. 306/2021 (u/O 39 Rules 1 & 2 CPC)

1. This application is filed by the plaintiff seeking an ex parte injunction
to restrain the defendants from selling, alienating, transferring or creating



any third party interest or right in favour of any person or entity in respect of property bearing Khasra No. 20/21/2, 20/22/1 min (0-25) 20/22/2 min (0-10), Village Kamalpur Majra, Burari, Delhi.

2. The accompanying suit is filed by the plaintiff seeking partition of the aforementioned property between the plaintiff and defendants No. 1 to 3. Other connected reliefs are also sought. It is the case of the plaintiff that the suit property is in the name of Nem Chand Sethi (HUF). The same was purchased by Mr.Sethi on 07.11.1988. Sh. Nem Chand Sethi expired on 28.05.2004. However, it is stated that the property continued to be HUF and the affairs of the HUF were being managed by defendant No. 1. The plaintiff, it is stated, is one of the coparceners of the Nem Chand Sethi HUF. Defendant No. 3 is the sister. Defendant No. 4 is an alleged tenant of the property and defendant No. 5 and 6 are the owners of a part of the suit property.

3. Learned counsel for defendants No. 1 and 2 states that Late Sh. Nem Chand Sehi had left behind a Will on the basis of which the entire property went to his wife i.e. defendant No. 2. It is further stated that via a settlement, defendant No. 2 has transferred the property in favour of defendant No. 1. Learned counsel for defendants No. 1 and 2 further states that the property is being utilized for renting and other purposes.

4. Issue notice.

5. Learned counsel for defendants No. 1 and 2 accepts notice.

6. Let the Plaintiff and Defendants No.1 and 2 maintain status quo regarding title and possession of the property in question till further orders. However, as defendant No. 1 is said to have already rented out the property, he is permitted to rent out the property. However, he will maintain account



of the rentals and file the same on an affidavit every six months in court.

7. Issue notice to the remaining defendants, returnable before the Joint Registrar on 08.03.2021.

JAYANT NATH, J

JANUARY 8, 2021

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