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

+ **CS(OS) 52/2025 I.A. 2049/2025**

SANTRA & ORS.Plaintiffs

Through: **Mr. Sudhir Nagar & Mr Naveen
Mavi, Advs.**

versus

JAIBIR & ORS.Defendants

Through: **None**

**CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL**

ORDER

% **27.01.2025**

I.A. 2050/2025 (for exemption)

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. Application stands disposed of.

CS(OS) 52/2025

1. This suit has been filed seeking partition and other attendant reliefs, in respect of the suit property comprising of, *Khasra* No.109, 211 and 284 situated in revenue estate of *Village Samaspur Khalsa*, Delhi. As per the plaintiff, shares of the parties are tabulated as under:



S.No.	Name			
1.	Pyarelal (Deceased) (1/9)	Chandgi (Deceased) (1/18)	1. Jaibeer (Son)	D1
			2. Sukhbir (Son)	D2
			3. Sushila (Daughter)	D3
			4. Sarbati (Widow)	D4
		Dharampal (Deceased) (1/18)	1. Naresh Kumar (Son)	D5
			2. Suresh Kumar (Son)	D6
			3. Mukesh Kumar (Son)	D7
			4. Asha (Daughter)	D8
			5. Sushma (Daughter)	D9
			Ramesh Kumar (Deceased Son) Represented by LRs.	D10 D11 D12
			6. Sushila (Widowed Daughter-in-law)	
			7. Yogesh (Grandson)	
			8. Tinku (Grandson)	
2.	Mahaveer (Deceased) (1/18)		1. Pradeep	D13
			2. Sandeep	D14
3.	Sri Lal (Deceased) (1/6)	Omprakash (Deceased) (1/6)	1. Rakesh (Son)	P3
			2. Ravi (Son)	D23
			3. Kavita (Daughter)	D24
			4. Parveen (Daughter)	D25
			5. Suman (Daughter)	D26
			6. Kamla (Widow)	D27
			7. Poonam (Deceased Daughter)	D28



			Represented by Himanshi (Grand Daughter)	
4.	Sri Krishan (Deceased) (1/12)	Manoj (Son) (1/12)		P2
5.	Rajesh (Deceased) (1/12)	Santra (Widow) 1/12)		P1
6.	Parsa (Deceased) (1/12)	Hawa Singh (Son) (1/12)		D15
7.	Dayanand (Deceased) (1/12)	Dilbagh (Son) (1/36)		D16
		Karambir (Son) (1/36)		D17
		Jagbir (Son) (1/36)		D18
8.	Jagmal Singh (Deceased) (1/12)	Sonu Dagar (Son) (1/12)		D19
9.	Dhara (Deceased) (1/8)	Raj Singh (Son) (1/8)		D20
10.	Gulab Singh	Samundra Singh (Son) (1/16)		D21
	(Deceased Son) (1/8)	Surendra Singh (Son) (1/16)		D22

2. As per the plaintiff, the village was urbanized by virtue of notification dated 16th May 2017, issued under Section 509 of the Delhi Municipal Corporation Act, 1957 (**‘DMC Act’**). A large part of the said



Khasra is still being used for agricultural activity.

3. There are old built-up houses in some parts of *Khasra* No. 109, including, the house in which the plaintiffs no.1 to 3 are residing. The suit property is stated to be jointly owned and requires to be partitioned but no partition has been carried out and the parties continue to be in joint possession of the entire suit property.

4. Various conversations have previously taken place between the parties, as regards the issue of partition, however, no successful outcome.

5. On 27th October 2024, a meeting was held between the family members, however, defendant Nos. 16 to 18 and 21 to 22 did not turn up while defendant Nos. 5 to 7 and 11 to 14 refused to partition the property and threatened to sell of the same.

6. There are other issues which have cropped up in terms of construction over the suit property.

7. Accordingly, the plaint be registered as a suit.

8. Summons be issued to the defendants by all permissible modes on filing of process fee. Affidavit of service be filed within two weeks.

2. The 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.

3. The plaintiff is 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.

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



5. Any party seeking inspection of documents may do so in accordance with the Delhi High Court (Original Side) Rules, 2018.
6. List before the learned Joint Registrar for marking of exhibits on 3rd March 2025.
7. List before the Court on 24th April 2025.

I.A. 2049/2025 (under Order XXXIX Rules 1 & 2 CPC)

1. In the facts and circumstances, as stated above, as also, on a *prima facie* consideration of the facts and materials placed on record, this Court is of the opinion that the plaintiffs have made out a case for interim orders. The balance of convenience lies in favour of the plaintiffs, and there is likelihood of irreparable injury being caused to the plaintiffs.
2. It is accordingly ordered that all the parties, i.e. all the plaintiffs and defendants are restrained from creating any third-party rights, with respect to the suit property, till the next date of hearing.
3. Reply to the application be filed within four weeks. Rejoinder thereto, if any, be filed within three weeks thereafter.
4. Provisions of Order XXXIX Rule 3 of the Code of Civil Procedure, 1908 be complied with within one week from today.
5. List before this Court on 2nd April 2025.
6. Order be uploaded on the website of this Court.

ANISH DAYAL, J

JANUARY 27, 2025/SM/kp