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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 80/2025, I.A. 3351/2025**
SUNIL KUMAR RANA & ORS.Plaintiffs

Through: Mr. Abhay Dixit

versus

TEK CHAND & ORS.Defendants
Through:

CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL

% **ORDER**
10.02.2025

I.A. 3352 /2025 (for exemption)

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

I.A. 3353/2025 (Application seeking service through WhatsApp)

1. This application has been filed by plaintiff seeking to take on record the service to the defendants through WhatsApp.
2. Subject to the undertaking by plaintiff to serve them by all other means, application is allowed and disposed of accordingly.



CS(OS) 80/2025

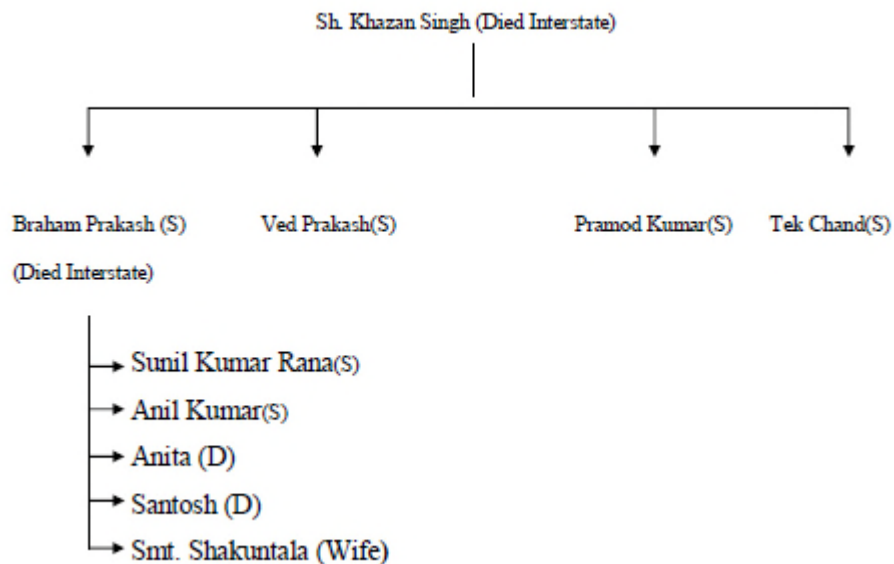
8. The plaint be registered as a suit. Summons be issued to the defendants by all permissible modes on filing of process fee. Affidavit of service be filed within two weeks.
9. The summons shall indicate that the written statements must be filed within thirty days from the date of receipt of the summons. 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.
10. 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.
11. It is made clear that any unjustified denial of documents may lead to an order of costs against the concerned party.
12. Any party seeking inspection of documents may do so in accordance with the Delhi High Court (Original Side) Rules, 2018.
13. List before the learned Joint Registrar for marking of exhibits on 20th March 2025.
14. List before the Court on 07th July, 2025.

I.A. 3351/2025 (Application under Order XXXIX Rule 1 & 2 of CPC)

1. This present application has been filed under Order XXXIX Rule(s) 1 and 2 CPC, as part of the suit seeking partition of the land admeasuring '12 Bighas and 3 Biswas, bearing Khasra no. 120//3/2 (2-11), 120//4 (4-16), 120//5 (4-16) situated in Village Bijwasan, New Delhi-110061' (**'suit property'**).



2. It is stated that the suit property was originally owned by *Late Sh. Khazan Singh*, the grandfather of plaintiff and has been collectively owned by members of the family without any partition.
3. A copy of *khatauni* representing the details of the suit property has also been appended.
4. *Late Sh. Khazan Singh* died in the year 1997 (*intestate*) leaving behind him, the following legal heirs:



5. Accordingly, the share of the parties in the said suit property is purportedly, as under:
 - (a) Plaintiff no. 1- (1/20 Share)
 - (b) Plaintiff no. 2- (1/20 Share)



(c) Plaintiff no. 3- (1/20 Share)

(d) Plaintiff no. 4- (1/20 Share)

(e) Plaintiff no. 5- (1/20 Share)

(f) Defendant no.1- (1/4 Share)

(g) Defendant no.2- (1/4 Share)

(h) Defendant no.3- (1/4 Share)

6. Counsel for plaintiffs states that they all are in joint possession of the suit property and it has not been partitioned by *metes and bounds*.

7. An issue was raised in the year, 2015, by the Revenue Authorities post the vesting of the suit property in the *Gram Sabha*, under Section 81 of the Delhi Land Reforms Act, 1954 ('**DLR Act**').

8. An appeal was filed before the '*Collector (South-West) Delhi*', which was dismissed. Thereafter, a revision petition was filed before the '*Financial Commissioner, Delhi*', on 27th August 2024.

9. The *Financial Commissioner* passed an order dated 19th December 2024, in favour of plaintiffs, stating that the vesting of the property in the *Gram Sabha* was untenable and was set aside.

10. Issues have apparently arisen between the parties in or around December 2024 and defendant started making attempts to usurp the suit property including the portion of land that are in possession of plaintiffs, without undertaking partition; accordingly, the suit has been preferred.

11. In these facts and circumstances, till the next date of hearing, there will be a *status quo*, on the title and possession of the suit property.

12. Compliance of Order XXXIX Rule 3, CPC be made within one week from today.



13. List on 06th May, 2025.
14. Order be uploaded on the website of this Court.

ANISH DAYAL, J

FEBRUARY 10, 2025/RK