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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CS(OS) 69/2022

RANJEET SINGH THIND & ANR.

..... Plaintiffs

Through Mr. Karan S. Thukral, Mr. Shrikant
Samantara, Mr. Gautam Malik and
Ms. Vaishnavi Arora, Advocates

versus

SUKHWINDER KAUR & ORS.

..... Defendants

Through

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

% 07.02.2022

[VIA VIDEO CONFERENCING]

I.A.2060/2022 (Exemption from filing the typed copies, true typed copies of the annexures, dim documents etc.)

1. Subject to the plaintiff filing the typed copies, true typed copies of the annexures, dim documents etc.) on which they may seek to place reliance, within four weeks from today, exemption is granted for the present.

2. The application is disposed of.

I.A.2061/2022 (Exemption from serving advance copy to the defendants)

3. For the reasons stated in the application, the same is allowed.

I.A.2062/2022 (Exemption from filing apostilled affidavits)

4. The present application has been filed by the applicants/plaintiffs seeking exemption from filing the apostilled affidavits in support of the suit and applications.



5. It is stated that the plaintiffs are citizens of the United Kingdom and due to paucity of time, were unable to get the affidavits apostilled.

6. The application is allowed, subject to the plaintiffs filing the apostilled affidavits within four weeks from today.

I.A.2059/2022 (O-XXVI R-9)

7. Counsel for the plaintiff seeks leave to withdraw the present application with liberty to file the same at an appropriate stage.

8. Dismissed as withdrawn with liberty as aforesaid.

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9. Let the plaint be registered as a suit.

10. Issue summons in the suit through all permissible modes. The written statement(s) shall be filed within thirty days from the receipt of summons. Along with the written statement(s), the defendants shall also file affidavit of admission/denial of the documents of the plaintiffs.

11. Liberty is granted to the plaintiffs to file replication to the written statement(s) within fifteen days from the receipt of the written statement. Along with the replication filed by the plaintiffs, an affidavit of admission/denial of the documents of the defendants, be filed by the plaintiffs.

12. List before the Joint Registrar on 12th April, 2022 for completion of service and pleadings.

13. List before the Court on 12th July, 2022 for framing of issues.

I.A.2058/2022 (O-XXXIX R-1 & 2)

14. The present suit has been filed seeking partition and other ancillary reliefs in respect of the suit property bearing No.1356-C-403, Mohan Gali, Basti Nanak Chand, Kotla, Mubarakpur, New Delhi-110003 (suit property).



15. It is the case of the plaintiffs that the suit property was purchased by late Smt. Charan Kaur, the mother of the plaintiffs, who died intestate on 16th November, 2012. The plaintiffs are brothers and together have 50% share in the suit property. Defendant no.1 is the widow of the deceased brother of the plaintiffs and the defendants no.2 to 4 are children of deceased brother of plaintiffs. The defendants no.1 to 4 jointly have 25% share in the suit property and the defendant no.5, who is sister of the plaintiffs, has 25% share in the suit property.

16. Issue notice.

17. Notice be issued to the defendants through all modes.

18. Reply be filed within a period of four weeks, with advance copy to the counsel for the plaintiffs. Rejoinder thereto, if any, before the next date of hearing.

19. List before the Joint Registrar on 12th April, 2022.

20. List before the Court on 12th July, 2022.

21. Considering the averments in the plaint and the submissions advanced on behalf of the plaintiffs, in my view, the plaintiffs have made out a *prima facie* case in their favour and the suit property is required to be preserved.

Consequently, till the next date of hearing, *status quo* be maintained with regard to the title and possession of the suit property.

22. Compliance under Order XXXIX Rule 3 of the CPC be done within three days.

AMIT BANSAL, J.

FEBRUARY 07, 2022

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