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

+ **CS(OS) 147/2026 & I.A. 4396/2026**

HARSH DEWAN

.....Plaintiff

Through: Mr. Rahul Malhotra, Mr. Rishu Kant
Sharma, Ms. Padamja Sharma and
Mr. Aryan Jha, Advs.
Mob: 9871133184
Email: rmalhotra@insightlegal.co.in

versus

PREM KUMAR CHAUDHARY AND ORS.

.....Defendants

Through: None.

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

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17.02.2026

CS(OS) 147/2026

1. The present is a suit for partition filed by the plaintiff against the defendants in terms of the Will dated 19th March, 1989, made by Late Sh. Ishwar Das Choudhary, the testator, with respect to the property bearing no. *B-30, Kailash Colony, New Delhi-110048.*
2. Let the plaint be registered as a suit.
3. Issue summons to the defendants, through all permissible modes.
4. The summons shall state that the written statement(s) shall be filed by the defendants, within thirty (30) days from the date of receipt of summons. Along with the written statement(s), the defendants shall also file affidavit(s)



of admission/denial of the documents of the plaintiff, without which, the written statement(s) shall not be taken on record.

5. Liberty is given to the plaintiff to file replication(s), if any, within thirty (30) days from the receipt of the written statement(s). Along with the replication(s), filed by the plaintiff, the affidavit(s) of admission/denial of the documents of defendants, be filed by the plaintiff, without which, the replication(s) shall not be taken on record.

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

7. If any of the parties wish to seek inspection of the documents, the same shall be sought and given within the timelines.

8. List before Joint Registrar (Judicial) on 17th April, 2026.

9. List before the Court on 17th July, 2026.

I.A. 4396/2026

10. The present application has been filed by the plaintiff under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure, 1908 ("CPC"), seeking an injunction restraining the defendants from creating third party rights in respect of the property in question.

11. Learned counsel appearing for the plaintiff submits that the defendant no. 1's family has been creating tension and obstructing the peaceful possession of the property in question by the plaintiff.

12. He submits that despite the plaintiff's repeated efforts to settle the matter peacefully and honour his late grandfather's wishes, the defendant no.1's family has shown no intention to live in harmony. Thus, the present suit has been filed.

13. He further submits that in recent times, the defendant no. 1's family



members have embarked upon a deliberate course of conduct, aimed at undermining the plaintiff's rights, dignity, and peaceful enjoyment of his lawful share in the property in question.

14. He submits that the plaintiff's sole access to his portion of the property in question is through an open passage/driveway, directly abutting the public road and not through any constructed portion of the defendant no. 1. Yet even this access of the plaintiff has been obstructed *via* installation of a steel gate and other physical obstructions, by the defendant no.1.

15. Attention of this Court has been drawn to *Document-7*, attached with the present suit to submit that recently a gate has been installed in the passage in question, recently

16. Issue notice to the defendants, by all modes.

17. Let reply be filed within a period of four weeks.

18. Rejoinder thereto, if any, be filed within a period of two weeks, thereafter.

19. The plaintiff has shown a *prima facie* case in his favour. Further, the balance of convenience also lies in favour of the plaintiff and an irreparable loss and injury shall be caused to the plaintiff in case the interim relief is not granted in his favour.

20. Thus, considering the submissions made before this Court, it is directed that the plaintiff's access to his portion in the property in question, as well as the access of other family members/visitors of the plaintiff, shall not be obstructed by the defendants in any manner.

21. Compliance of Order XXXIX Rule 3 of the CPC, shall be done within a period of one (1) week, from today.

22. List before the Joint Registrar (Judicial) on 17th April, 2026.



23. List before the Court on 17th July, 2026.

MINI PUSHKARNA, J

FEBRUARY 17, 2026

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