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

+ **CS(OS) 74/2022, I.A.s 2168-69/2022**

KELA DEVI

..... Plaintiff

Through **Mr. Sudhir Naagar, Advocate.**

versus

ANIL KUMAR JAIN & ORS.

..... Defendants

Through **None.**

CORAM:

HON'BLE MS. JUSTICE ASHA MENON

ORDER

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08.02.2022

[VIA VIDEO CONFERENCING]

I.A. 2169/2022 (exemption)

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

**CS(OS) 74/2022, I.A. 2168/2022(of the plaintiff under Order XXXIX
Rules 1 & 2 r/w Section 151 C.P.C)**

3. The plaint be registered as a suit.
4. This is a suit for possession, declaration and mesne profit in respect of property measuring 1250 sq. yds, situated in Khasra No. 233, Village Seelampur, Delhi (hereinafter referred to as the 'suit property')
5. Issue summons in the suit and notice in the application to the defendants by all permissible modes, returnable before the Joint Registrar.



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6. The summons shall indicate that the written statement(s) to the suit and reply(ies) to the application be filed by the defendants within thirty days from the date of receipt of the summons. The defendants shall also file the affidavit of admission/denial of the documents filed by the plaintiff, failing which the written statement(s) shall not be taken on record.

7. The plaintiff is at liberty to file replication(s) to the written statement(s) and rejoinder(s) to the reply(ies) filed by the defendants within thirty days following the filing of the written statement(s)/reply(ies). The replication(s) shall be accompanied by the affidavit of admission/denial in respect of the documents filed by the defendants, failing which the replication(s) shall not be taken on record.

8. If any of the parties wish to seek inspection of any documents, the same shall be sought and given within the time lines.

9. Mr. Sudhir Naagar, learned counsel for the plaintiff, submits that the suit property belongs to the plaintiff and the defendants No.1 to 6, who are legal heirs of one Mr. Vikram Sen Jain, who had been sold a part of the land from the Khasra No. 232 and 248 by the predecessor-in-interest of the plaintiff, are now claiming ownership rights in the suit property.

10. Learned counsel for the plaintiff further submits that the plaintiff and her predecessor-in-interest had permitted the defendants to keep their articles on the suit property being neighbors and such use was only permissive. But of late, after the defendants had transferred the land in Khasra No. 232 and 248 to the defendants No.7 & 8, they are now asserting ownership rights in the suit property.

11. In view of the submissions made, till the next date of hearing, none of the parties to the suit shall create any third-party interests in the suit property i.e., plot measuring 1250 sq. yds., situated in Khasra



No.233, Village Seelampur, Delhi.

12. Provisions of Order XXXIX Rule 3 CPC be complied with.
13. List before the Joint Registrar on 4th April, 2022, for completion of service and pleadings.
14. The order be uploaded on the website forthwith.

ASHA MENON, J

FEBRUARY 8, 2022
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