



\$~OS-1

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

+ **CS(OS) 62/2021**

SHRI SANJEEV KUMAR JAIN Plaintiff

Through Ms.Suruchi Aggarwal, Adv.

versus

SMT ABHA JAIN & ORS. Defendants

Through None.

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% **29.01.2021**

IA No.1374/2021 (*exemption*)

Allowed subject to all just exceptions.

CS(OS) 62/2021

Let the plaint be registered as suit.

Issue summons to the defendants through e-mail, speed post and courier, returnable for 14.04.2021.

IA No.1373/2021

1. Issue notice to the defendants through e-mail, speed post and courier, returnable for 14.04.2021.
2. This application is filed under Order 39 Rules 1 & 2 CPC seeking an *ex-parte ad-interim* injunction against the defendants from selling, transferring, alienating or creating third party interest or parting with possession of any portion of the suit property being First Floor of Property No.6, Block 1-C, Khasra No.1290/153, situated at Bagh Raoji, New Rohtak Road, WEA, Karol Bagh, New Delhi-110 005.
3. The accompanying suit is filed seeking a decree of partition, possession, rendition of account and permanent injunction.



4. The case of the plaintiff is that the father of the plaintiff - Sh.Sant Lal Jain jointly purchased entire built-up property along with his wife Smt.Satya Jain, Sh.Rajeev Kumar Jain(son), Smt.Abha Jain(daughter-in-law, defendant No.1), Sh.Sanjeev Kumar(Son, plaintiff). Sh.Rajeev Kumar, the husband of Smt.Abha Jain died on 01.02.2005. Smt.Satya Devi, wife of Sh.Sant Lal Jain died on 02.01.2007.

5. It is the case of the plaintiff that the said property was converted into freehold property and a conveyance deed was executed by DDA. However, Sh.Sant Lal Jain, became owner of two-fifth undivided share, Smt.Abha Jain became owner of two-fifth undivided share and Sh.Sanjeev Kumar Jain became owner of one-fifth undivided share in the suit property. Subsequently, the plaintiff has sold his share of one-fifth undivided share of the suit property to defendant No.1. Sh.Sant Lal Jain, the father of the plaintiff died on 22.12.2020. Hence, it is prayed that the plaintiff being Class- I heir of late Sh.Sant Lal Jain is entitled to share in all the immovable and immovable properties including the entire built-up of First Floor of the suit property of late Sh.Sant Lal Jain.

6. The plaintiff has made out a *prima facie* case. Balance of convenience is in favour of the plaintiff. Till the next date of hearing, the parties will maintain *status quo* regarding title and possession of the suit property i.e. First Floor of Property No.6, Block 1-C, Khasra No.1290//153, Bagh Raoji, New Rohtak Road, WEA, Karol Bagh, New Delhi-110 005.

7. The plaintiff to comply with the provisions of Order 39 Rule 3 CPC within five days from today.

JAYANT NATH, J.

JANUARY 29, 2021/v