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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(OS) 76/2021
SMT. SUNITA Plaintiff

Through: Mr. Vikram Singh, Advocate

versus

RAVINDER &ORS. Respondents
Through: Mr. Manoj Kapoor, Advocate for
D1 to D3

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI
(VIA VIDEO CONFERENCING)

ORDER

% **12.04.2021**

I.A. 1634/2021 (Under Order XXXIX Rules 1&2 CPC)

1. The present application has been filed under Order XXXIX Rules 1 and 2 read with Section 151 CPC on behalf of the plaintiff.
2. It is claimed that the plaintiff is the daughter of *Late Shri Ratan Lal* who died intestate on 05.09.2002 and at that time, was survived by the plaintiff and four sons, namely, *Ravinder*, *Anoop*, *Ashok* and *Rajeev*. It is stated that while *Ravinder*, *Anoop* and *Rajeev* have been impleaded as defendant No.1, 2 & 3 respectively, the fourth son- *Ashok* expired on 27.10.2020 and his legal heirs i.e., his wife- *Asha* and children- *Shivali*, *Vishal @ Laddu* and *Navin @ Gaurav* have been impleaded as defendants No.4 to 7 in the present suit. It is claimed that during his lifetime, *Late Shri Ratan Lal* had acquired following immovable properties (hereinafter referred to as the "suit properties"):-



“1. Property bearing No. 1, Near Shiv Mandir, Zalim Mohalla, Village Tukhlakabad, New Delhi-110044 and,
2. Property bearing no. 230, Zalim Mohalla, Village Tukhlakabad, New Delhi-110044.”

3. The plaintiff claims 1/5th share in the suit properties.
4. On 03.02.2021, summons in the suit were issued along with notice in the present application.
5. Defendants No.1, 2 and 3 have filed a written statement thereby accepting the plaintiff's claim of having 1/5th share in the suit properties. In the written statement, it is admitted that *Late Shri Ratan Lal* died intestate and that the plaintiff is having 1/5th share in the suit properties. It is further stated that the answering defendants No.1, 2 and 3 are willing to partition the suit property.
6. Considering the averments in the plaint and the documents filed therewith, the plaintiff has made out a *prima facie* case in her favour and in case, no *ad interim* injunction is granted, the plaintiff would suffer an irreparable loss. The balance of convenience also lies in favour of the plaintiff and against the defendants.
7. In view of the written statement filed on behalf of defendants No.1 to 3, it is directed that till the next date of hearing, the parties shall maintain *status quo* in respect of the title and possession of the suit properties and are further directed not to create any third party rights in the same.
8. Insofar as defendants No.4 to 7 are concerned, it was noted in the order dated 05.04.2021, that they have been served through courier only.
9. Learned counsel for the plaintiff seeks one more opportunity to serve defendants No.4 to 7 by all permissible modes.



10. List on 20.07.2021.

APRIL 12, 2021

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MANOJ KUMAR OHRI, J

Click here to check corrigendum, if any