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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 140/2024**
MRS YESHA SAINI AND ORS Plaintiffs
Through: Ms. Kirti Mewar, Adv. (M-
7204073750)
versus
SMT VANI CHOWDHRY Defendant
Through: None.

CORAM:
JUSTICE PRATHIBA M. SINGH

ORDER
% **22.02.2024**

1. This hearing has been done through hybrid mode.

I.A. 4192/2024 (for exemption)

2. Allowed, subject to all just exceptions. Application is disposed of.

CS(OS) 140/2024

3. Let the plaint be registered as a suit.

4. Issue summons to the Defendant through all modes upon the filing of Process Fee.

5. The summons to the Defendant shall indicate that the written statement to the plaint shall be positively filed within 30 days from the date of receipt of the summons. Along with the written statement, the Defendant shall also file an affidavit of admission/denial of the documents of the Plaintiffs, without which the written statement shall not be taken on record.

6. Liberty is given to the Plaintiffs to file the replication within 15 days of the receipt of the written statement. Along with the replication, if any, filed by the Plaintiffs, an affidavit of admission/denial of documents of the



Defendant, be filed by the Plaintiffs, without which the replication shall not be taken on record. If any of the parties wish to seek inspection of any documents, the same shall be sought and given within the timelines.

7. List before the Joint Registrar for marking of exhibits on 29th April, 2024. It is made clear that any party unjustifiably denying documents would be liable to be burdened with costs.

8. List before Court on 23rd July, 2024.

I.A. 4191/2024 (for stay)

9. Issue notice.

10. The present suit is for partition. The Plaintiff No.1- Mrs. Yesha Saini is the daughter-in-law of Late Sh. Gurdas Ram Saini and Smt. Raksha Rani Saini through their son Late Sh. Hitesh Kumar Saini. The Plaintiff Nos.2 and 3 are the children of Late Sh. Hitesh Saini who passed away on 1st January, 2018. Defendant- Smt. Vani Chowdhry is the sister of Late Sh. Hitesh Kumar Saini.

11. Ld. Counsel for the Plaintiffs submits that in terms of the Will dated 6th September, 2010, five properties devolved upon the legal heirs that is Late Sh. Hitesh Saini and the Defendant-Smt. Vani Chowdhry in the proportion of 85% and 15%. It is stated that the said Will is a registered Will. The list of properties are as follows:

(i) Property bearing no. W-6C/16 (New No.) (G-180/A; Old No.) Western Avenue, Tiger Lane, Sainik Farm, New Delhi 110062 (Partly Built up).

(ii) Property bearing Flat no. D-I0A, Ground Floor, Acharya Niketan, Mayur Vihar, New Delhi-110091.



(iii) Property bearing no. D-13, Ground Floor, along with Basement Floor, area measuring about 200 Sq. Yds., South Extension, Part-I, New Delhi-110049.

(iv) Property bearing no. F-I05, measuring 700 Sq. Yds. (Industrial Plot), Ghaziabad-201302, D.P.

(v) Property bearing Intkal no. 456, sanctioned dated 01.02.2006, measuring 2 Kanal 18 Marlas, situated at Bharapur 61, TehNarayangarh, Dist. Ambala, Haryana, Jamabandi 1999-2000.

12. Out of the above five properties, property nos. (i) and (iv) are stated to have been jointly sold by the Plaintiffs and the Defendant after the demise of Late Sh. Hitesh Kumar Saini.

13. However, in respect of property nos. (ii), (iii) and (v), since there is no amicable resolution, the Plaintiffs seek partition.

14. Issue notice. In the meantime, *status quo* as to the title and possession of the three properties nos. (ii), (iii) and (v), as listed above, shall be maintained.

15. List before the Court on 23rd July, 2024.

PRATHIBA M. SINGH, J

FEBRUARY 22, 2024

Rahul/bh