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

+ CS (OS) 98/2021 & I.A. 2178/2021 (Under Order XXXIX Rules 1 & 2 CPC)

ASHOK TYAGI Plaintiff

Through: Ms. Smita Maan, Advocate.

versus

NARESH TYAGI & ORS. Defendants

Through: None.

CORAM:

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

ORDER
12.02.2021

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1. Complaint be registered as suit.
2. Issue summons in the suit and notice in the application to the defendants on the plaintiff taking steps through speed post, courier as well as through WhatsApp and E-mail returnable before the learned Joint Registrar on 23.03.2021 for completion of service, pleadings and admission/denial of documents.
3. The summons shall indicate that the written statements to the suit and reply affidavits to the application must be filed by the defendants within thirty days from the date of receipt of the summons. The defendants shall also file affidavits of admission/denial of the documents filed by the



plaintiff, failing which the written statements shall not be taken on record.

4. The plaintiff is at liberty to file replications and rejoinder affidavits thereto within three weeks after filing of the written statements. The replications shall be accompanied by affidavits of admission/denial in respect of the documents filed by the defendants, failing which the replications shall not be taken on record.

5. List the suit and the application before the Court on 21.05.2021.

6. The present suit has been filed seeking relief of partition and permanent injunction.

7. Learned counsel for the plaintiff submits that the suit property is situated in plots No. 160, 161, 162, 194 and 196, Colony Vikas Nagar, Marble Block, Raj Hans Vihar, Vikas Vihar, Uttam Nagar, New Delhi, total measuring 800 sq. yards. She further submits that the aforesaid colony has now been regularized vide Gazette Notification No. G.S.R. 814(E) dated 29.10.2019 issued by the Ministry of Housing and Urban Affairs, where the said colony is shown at Sr. No. 1234. Learned counsel further submits that after the demise of *Late Shri. Mangat Ram*, the plaintiff along with the other defendants are the co-owners of the suit property, which is a vacant land. Learned counsel for the plaintiff further submits that the plaintiff has sought partition of the suit property, however, the said request was not agreed to by the defendants.

8. Considering the averments in the plaint and the documents filed therewith, the plaintiff has made out a *prima facie* case in his favour and in case, no *ex-parte 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.



9. Consequently, till the next date of hearing, the defendants are directed to maintain *status quo* as to the title and possession and further, not to create any third party rights in the suit property.
10. Compliance under Order XXXIX Rule 3 CPC be done within one week.

MANOJ KUMAR OHRI, J

FEBRUARY 12, 2021
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[Click here to check corrigendum, if any](#)