



\$~OS-28

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

+ **CS(OS) 73/2019**

SH. DEEPAK TARA Plaintiff

Through Mr.R.K.Bhardwaj Adv.

versus

SH. BAIJ NATH TARA & ORS. Defendant

Through

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% **11.02.2019**

IA No.1729/2019 (exemption)

Allowed subject to all just exceptions.

CS(OS) 73/2019

Let the plaint be registered as suit. Issue summons to the defendants by speed post and ordinary process, returnable for 3.5.2019.

IA No. 1728/2019

This application is filed under Order 39 Rule 1 and 2 CPC. It is pleaded that on 5.1.1961 a perpetual lease was executed of property A-23, Nizamuddin East, New Delhi-110013 in favour of Late Shri Dwarka Nath Tara. Shri Dwarka Nath Tara father of the plaintiff and defendants No.1 to 5 and husband of defendant No.6 died on 20.2.2001. Hence, the present suit for partition.

Plaintiff has made out a prima facie case. Parties will maintain status quo regarding title and possession till further orders. Plaintiff to comply with provisions of Order 39 Rule 3 CPC within three days from today.

Issue notice to the non-applicants by ordinary process and speed post returnable on the date fixed above.

JAYANT NATH, J

FEBRUARY 11, 2019/n