



\$~10

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

+ **CS(OS) 155/2022**

SANDEEP SHARMA

..... Plaintiff

Through: Mr. Tarun Singla and Mr. K.C. Joshi,
Advs.

Mob: 9810202014

Email: tarunsingla@yahoo.com

versus

PREETI SHARMA & ANR.

..... Defendants

Through: Mr. Ashwini Kumar and Ms. Arham
Tanvir, Advs. for D-1&2

Mob: 9911101151

Email: arhamt@gmail.com

CORAM:

MS. VANDANA JAIN (DHJS) JOINT REGISTRAR(JUDICIAL)

ORDER

% **18.04.2023**

Regular Steno is on leave.

IA No. 1317/2023(U/O 11 Rule 14 CPC for directions to defendants to produce documents pertaining sale of Flat No. C-9704, Vasant Kunj, New Delhi)

Rejoinder filed by plaintiff to the reply of D-2. Pleadings qua D-2 are complete. Reply not filed by D-1. Learned counsel for both the defendants submits that he does not wish to file reply on behalf of D-1.

Application is taken up for hearing. Arguments of the application heard. Record perused.

By way of this application, the plaintiff has sought directions to direct the defendants to produce the documents by which Flat No. C-9704,



Vasant Kunj, New Delhi was allegedly sold in the year 2004. The present suit for partition has been filed by the brother against two sisters and the subject matter of the present suit are two immovable properties, one at Swasthya Vihar and another one at Vasant Kunj, New Delhi. The plaintiff had sought partition of these properties. Defendant No.1 in the reply to IA bearing No. 4191/2022 has stated that the said flat was bequeathed to defendant No.2 in the will dated 07.03.2003 and it was sold in the year 2004.

The defendant no.2 in para no.5 of reply on merits in her written statement has stated that it was sold by her in the year 2004 in terms of the said will. The defendant no.2 has also filed a reply to this application wherein it is stated that the plaintiff must prove his case on his own strength as he cannot get strength from the documents by which the said flat was sold in the year 2004. It is also stated in the said reply that the plaintiff was aware of the said sale but never objected to the same at any time either prior to or during or after the sale transaction of the said property. It is also stated that the existence of the will was well within the knowledge of the applicant. The defendant no.2 does not deny the sale of the flat at Vasant Kunj which is the subject matter of the present suit. The suit has been filed for partition, injunction as well as for rendition of accounts. The details of the sale of the property are very much relevant in the present case. Since the defendant no.2 was admittedly the vendor in the said sale, it cannot be said now that she does not have the either the documents of sale or details thereof. Defendant no.1 has clearly stated that the property was bequeathed to defendant no.2 in the will and it was sold which makes it clear that defendant no.2 had sold the same, therefore, there is no requirement of



issuing any directions to defendant no.1 to produce the documents of sale in respect of flat at Vasant Kunj however defendant no.2 is directed to file the said documents, within four weeks from today. IA stands disposed of with these directions.

Put up along with connected case bearing No. Test case 52/2022 on 22.08.2023.

VANDANA JAIN (DHJS)
JOINT REGISTRAR(JUDICIAL)

APRIL 18, 2023/sa