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

+ **CS(OS) 244/2026**

RASHMI JAIN

.....Plaintiff

Through: Mr. Ashish Aggarwal, Mr. Ishita, Ms.
Prachi Gupta and Mr. Deshna Jain,
Advs.

versus

LAXMI JAIN

.....Defendant

Through:

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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24.03.2026

I.A. 7863/2026 (under Section 151 CPC by plaintiff seeking exemption from filing typed copies of dim documents)

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

I.A. 7864/2026 (under Section 5 of Limitation Act r/w Section 151 CPC seeking condonation of delay in re-filing the suit)

3. The present application has been filed seeking condonation of delay of 10 days in re-filing the suit.
4. For the reasons mentioned in the application, the delay of 10 days in re-filing the suit has been condoned.
5. The application stands disposed of.



CS(OS) 244/2026

6. The plaint be registered as suit.
7. On filing of process fee, summons be issued to the defendant by all permissible modes.
8. The summons shall indicate that written statement must be filed within thirty days from the date of receipt of summons. The defendant shall also file an affidavit of admission/denial of the documents filed by the plaintiff, failing which the written statement shall not be taken on record.
9. The plaintiff is at liberty to file replication thereto within thirty days after filing of the written statement. The replication shall be accompanied by affidavit of admission/denial in respect of the documents filed by the defendant, failing which the replication shall not be taken on record.
10. It is made clear that any unjustified denial of documents may lead to an order of costs against the concerned party.
11. Any party seeking inspection of documents may do so in accordance with the Delhi High Court (Original Side) Rules, 2018.
12. List before the learned Joint Registrar for completion of service, pleadings, admission/denial of documents and marking of exhibits on 16.07.2026.
13. List before Court thereafter on a date to be assigned by the learned Joint Registrar.

I.A. 7862/2026 (by plaintiff under Order XXXIX Rules 1 and 2 r/w Section 151 CPC seeking grant of *ex parte ad interim* injunction)

14. Issue notice to the defendant, by all permissible modes.
15. The case set out in the plaint is that the plaintiff and Smt. Monika Anand jointly acquired the following portions in the property bearing no.



Municipal No. H-49, Village Yusuf Sarai, New Delhi – 110016 (hereinafter referred to as ‘the suit property’).

“(i) The Northern-Side, Right-Side Portion (adjoining property of Shri Nanak Chand), together with undivided ownership rights in the land underneath and common facilities, vide Sale Deed registered as Document No. 144, Additional Book No. I, Volume No. 10827, pages 192 to 198, registered on 05.01.2011 in the office of the Sub-Registrar, New Delhi; and

(ii) The Lower Ground Floor (without terrace), having approximately 12 ft. height, built on the Southern-Side, Left Side Portion (adjoining Property No. 41), together with proportionate undivided ownership rights in the land underneath and common facilities, vide Sale Deed registered as Document No. 145, Additional Book No. I, Volume No. 10828, pages 1to7, registered on 05.01.2011 in the office of the Sub-Registrar, New Delhi.”

16. It is stated that subsequently Smt. Monika Anand sold her 50% undivided share in the suit property to the defendant *vide* two separate registered sale deeds, both dated 29.11.2019 (document nos. 4 and 5).

17. It is further stated that the defendant is sister-in-law of the plaintiff and the suit property is in joint possession of the plaintiff and the defendant. However, the defendant and her family members, with an intent to interfere with the plaintiff’s peaceful possession, broke the locks installed by the plaintiff.

18. Attention of the Court has been drawn to the two separate registered sale deeds, both dated 05.01.2011 (document nos.2 and 3) whereby the property was jointly purchased by the plaintiff and Smt. Monika Anand, and two other registered sale deeds, both dated 29.11.2019 *vide* which Smt. Monika Anand sold her 50% undivided share to the defendant.

19. Having regard to the fact that the plaintiff is the co-owner in the suit



property to the extent of 50% on the basis of two registered sale deeds, I am of the view that the plaintiff has made out a *prima facie* case for grant of limited ad interim order of status quo. The balance of convenience is also in favour of an interim order of *status quo* being passed.

20. I am satisfied that the plaintiff will suffer irreparable loss and injury, if third party interest are created in the suit property before the next date.

21. The parties are, therefore, directed to maintain *status quo* as to the title and possession of the suit property till the next date.

22. Provisions of Order XXXIX Rule 3 CPC be complied with *qua* the defendant within a period of two weeks from today and affidavit of compliance be filed within a period of one week thereafter.

23. Defendant may file reply to the application within four weeks on receipt of notice. Rejoinder thereto, if any, be filed before the next date.

24. List before the learned Joint Registrar for completion of service and pleadings on 16.07.2026.

25. List before Court thereafter on a date to be assigned by the learned Joint Registrar.

VIKAS MAHAJAN, J

MARCH 24, 2026/dss