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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 239/2026**
MANJUPlaintiff

Through: Mr. Puneet Singh Bindra, Mr. Vivek
Kadyan, Ms. Kriti Dang, Ms. Nidhi
and Mr. Ikjot Gaba, Advs.

versus

PAWAN & ANR.Defendants
Through:

CORAM:
HON'BLE MR. JUSTICE VIKAS MAHAJAN

% **ORDER**
24.03.2026

I.A. 7888/2026 (under Section 151 CPC seeking exemption from filing fair/certified/legible copies of the documents)

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

CS(OS) 239/2026

3. The plaint be registered as suit.
4. On filing of process fee, summons be issued to the defendants by all permissible modes.
5. The summons shall indicate that written statement must be filed within thirty days from the date of receipt of summons. The defendants 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.



6. 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 defendants, failing which the replication shall not be taken on record.

7. It is made clear that any unjustified denial of documents may lead to an order of costs against the concerned party.

8. Any party seeking inspection of documents may do so in accordance with the Delhi High Court (Original Side) Rules, 2018.

9. List before the learned Joint Registrar for completion of service, pleadings, admission/denial of documents and marking of exhibits on 16.07.2026.

10. List before Court for framing of issues on a date to be assigned by the learned Joint Registrar.

I.A. 7730/2026 (under Order XXXIX Rules 1 and 2 r/w Section 151 CPC for *ad interim ex parte* injunction)

I.A. 7887/2026 (under Order XXXIX Rules 1 and 2 r/w Section 151 CPC for grant of *ad interim and interim* injunction)

11. Issue notice to the defendants, by all permissible modes.

12. The case set out in the plaint is that the plaintiff is a legally wedded wife of late Ram Gopal who died intestate on 10.08.2023. It is stated that the plaintiff was the second wife of Late Ram Gopal.

13. The suit property which forms part of the estate of late Ram Gopal has been detailed in para 2 of the plaint.

14. Mr. Puneet Singh Bindra, learned counsel for the plaintiff submits that the suit property was originally owned by Sh. Tek Chand, the father of late Sh. Ram Gopal. After his death, the property devolved upon his widow Smt.



Ram Pyari and his only son i.e. late Sh. Ram Gopal (husband of the plaintiff). He submits that this fact has also been acknowledged by the defendants in the *inter se* suit filed by defendant no.1 against defendant no.2 in this Court being CS (OS) 834/2024.

15. To buttress his contention, Mr. Bindra has invited attention of the Court to the order dated 25.04.2025 passed in the aforesaid suit wherein following facts have been recorded:

1. The captioned suit has been filed for partition of the suit land, the details of which are set out in paragraph '5' of the plaint and at prayer clause (a) of the plaint. The paragraph '5' of the plaint and prayer clause (a) of the plaint reads as under:

"5. That the plaintiff and the defendant are the Joint and Co-owner and in possession of property and are enjoying the joint possession of the undivided family property admeasuring 3 8 Bighas 01 Biswas out of khasra nos. 11/25/2, 12/21, 22, 23/2, 24/5, 6, 187/4, 5, 188//1 situated in revenue estate of village Bawana, Delhi.

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a) Pass a decree of Partition, thereby partition the suit property i.e., ½ share out of 38 Bighas 01 Biswas out of khasra nos. 11/25/2, 12/21, 22, 23/2, 24/5, 6, 187/4, 5, 188//1 situated in revenue estate of village Bawana, Delhi, as shown in colour RED in the site plan, by metes and bounds giving ½ share to the Plaintiff, in the interest of justice;"

1.1. It is stated that the suit land originally stood mutated in the name of Sh. Tek Chand (who is the grandfather of the parties) in the revenue records. It is stated that after the death of Sh. Tek Chand, the property devolved upon his widow Smt. Ram Pyari and his only son late Sh. Ram Gopal (father of the parties herein).

1.2. It is stated that late Sh. Ram Gopal was married to late Smt. Nirdosh and had three (3) sons i.e., Plaintiff, Defendant and Sh. Sanjay.



16. He submits that in the said suit, the plaintiff was not made a party and the suit was decreed *vide* order dated 25.04.2025 in terms of settlement arrived at between the parties therein.

17. Subsequently, the plaintiff challenged the said compromise decree by filing of Review Petition No. 330/2025 and a coordinate bench of this Court *vide* order dated 18.12.2025 recalled the decree dated 25.04.2025 holding that the same was passed without adjudicating the claim of the plaintiff herein. However, subsequently, the said suit was dismissed as withdrawn.

18. To buttress his contention, attention of the Court has been brought to the order dated 25.04.2025 passed in CS (OS) 834/2025. He submits that the plaintiff has now learnt that the defendants are in the process of creating third party interest in the suit property, in which the plaintiff has one-third undivided share.

19. Having regard to the circumstances noted hereinabove, this Court is 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. I am satisfied that the plaintiff will suffer irreparable loss and injury, if third party interest is created in the suit property before the next date.

20. The parties are, therefore, directed to maintain *status quo* as to the title and possession of the immovable suit property of deceased late Ram Gopal till the next date.

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



22. Defendants may file reply to the application within four weeks on receipt of notice. Rejoinder thereto, if any, be filed within a period of three weeks thereafter.

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

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

VIKAS MAHAJAN, J

MARCH 24, 2026/dss