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

+ **CS(OS) 251/2026**

MEENU JAIN

.....Plaintiff

Through: Mr. Manish Vashisth, Sr. Adv. with
Mr. V.K. Anand and Ms. Roopsee
Pandita, Advs.

versus

PRADEEP GUPTA & ORS.

.....Defendants

Through: Mr. Arun Bhardwaj, Sr. Adv. with
Mr. Kunal Kalra, Ms. Gauraan, Ms.
Mrinalini Khatri, Ms. Muskan Jain,
Ms. Ashu Tiwari, Mr. Pranava
Rastogi and Ms. Khushi Sood, Advs.
for D-1.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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25.03.2026

**I.A. 7957/2026 (under Section 151 CPC seeking exemption from filing
certified and original copies of the documents)**

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

**I.A. 7958/2026 (under Section 151 CPC seeking delay of 12 days in
curing the defects and re-filing the suit)**

3. For the reasons mentioned in the application, the delay of 12 days in
curing the defects and re-filing the suit is condoned.
4. The application stand disposed of.



CS(OS) 251/2026

5. At the outset, Mr. Manish Vashisth, learned Senior Counsel for the plaintiff points out that the name of defendant no.3 has been incorrectly mentioned as 'Jagson International Private Limited' whereas the correct name of the company is 'Jagson International Limited'.
6. He submits that in the Schedule of properties the correct name has been mentioned.
7. In view of the above, let revised memo of parties be filed by the plaintiff with the correct name of defendant no.3.
8. The plaint be registered as a suit.
9. Issue summons. Mr. Kunal Kalra, learned counsel appearing on advance service accepts summons on behalf of defendant no.1 and waives the formal service of summons. He submits that complete copy of the paper book including plaint, applications and the documents have been received by him. Let defendant no. 1 file written statement within thirty days.
10. On plaintiff taking steps, summons be issued to defendant nos. 2 to 4 by all permissible modes. The summons shall indicate that written statement must be filed within thirty days from the date of receipt of summons.
11. 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.
12. 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.



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

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

15. List before the learned Joint Registrar for completion of service, pleadings, admission/denial of documents and marking of exhibits on 20.07.2026.

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

I.A. 7956/2026 (by plaintiff under Order XXXIX Rules 1 and 2 r/w Section 151 CPC seeking *ad interim* injunction)

17. The present suit has been filed by the plaintiff praying for declaration, partition, rendition of accounts and permanent injunction.

18. Mr. Manish Vashisth, learned Senior Counsel for the plaintiff invites attention of the Court to the Conveyance Deed dated 06.08.1993 to contend that the property bearing no. B-2/11, Safdarjung Enclave, New Delhi - 110029 was purchased by Late Sh. Jagdish Pershad Gupta in his own name along with Mr. Pradeep Gupta/defendant no.1 and Smt. Lata Gupta/wife of Late Sh. Jagdish Pershad Gupta.

19. The plaintiff is the daughter whereas defendant nos. 1 and 2 are the son and daughter, respectively, of Late Sh. Jagdish Pershad Gupta, who died intestate on 11.01.2025 leaving behind plaintiff and defendant nos. 1 and 2, as well as, his widow Late Smt. Lata Gupta.

20. Late Smt. Lata Gupta also passed away on 28.02.2025. Thus, the plaintiff and defendant nos. 1 and 2 are the only Class I legal heirs of Late Sh. Jagdish Pershad Gupta.



21. Mr. Vashisht has invited attention of the Court to para 19 of the plaint to submit that Late Sh. Jagdish Pershad Gupta left behind the estate mentioned in Schedule I and II which includes 03 immovable properties and 3,37,24,277 shares, respectively, in M/S Jagson International Limited.

22. He further submits that defendant no.1 is relying on the Will dated 22.11.2024 of Late Sh. Jagdish Pershad Gupta which has been challenged in the present suit.

23. Mr. Vashisht has referred to the affidavit dated 14.04.2025 which has been furnished by defendant no.1 to defendant no.3 company incorrectly declaring that he is the sole legal representative/legal heir.

24. He submits that evidently incorrect statement was made in the said affidavit, in as much as, the names of plaintiff and defendant no.2 have not been disclosed as legal heirs of Late Sh. Jagdish Pershad Gupta.

25. He further contends that even the purported Will of the father has not been divulged in the said affidavit.

26. The above assertions of Mr. Vashisht have been refuted by Mr. Arun Bhardwaj, learned Senior Counsel for defendant no.1.

27. Having regard to the fact that the present is a suit for partition, and the plaintiff is undisputedly Class I legal heir of Late Sh. Jagdish Pershad Gupta, the plaintiff would be entitled to a share in the estate of her Late father in case defendant no.1 is unable to prove the 'Will' being set up by him.

28. This Court is of the view that the plaintiff has made out a *prima facie* case and the balance of convenience is also in favour of the plaintiff, in as much as, the estate of Late Sh. Jagdish Pershad Gupta is to be protected, otherwise nothing would remain to be partitioned if the plaintiff succeeds in



the present suit but in the meanwhile, third party interests are created by defendant no.1 in the said estate of their late father.

29. I am of the view that the plaintiff will suffer irreparable loss and injury in case the limited *status quo* order is not passed.

30. Accordingly, the parties are directed to maintain *status quo* as to the estate of Late Sh. Jagdish Pershad Gupta as enumerated in Scheduled I and II of para 19 of the plaint till the next date.

31. Provisions of Order XXXIX Rule 3 CPC be complied with *qua* defendant nos. 2 to 4 within a period of two weeks from today and affidavit of compliance be filed within a period of one week thereafter.

32. 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.

33. List before the learned Joint Registrar for completion of service and pleadings on 20.07.2026.

34. It is clarified that the present order will not come in the way of running the business of defendant No.3 Company in accordance with law.

VIKAS MAHAJAN, J

MARCH 25, 2026/dss