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

+ **CS(OS) 255/2026**

PURUSHOTTAM KRISHNA DIXIT

.....Plaintiff

Through: Mr. Mayank Gupta, Ms. Srishti Jain
and Mr. Ashutosh Mahendrou, Advs.

versus

GOVIND KRISHNA DIXIT

.....Defendant

Through:

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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27.03.2026

CS(OS) 255/2026

1. The plaint be registered as suit.
2. On filing of process fee, summons be issued to the defendant by all permissible modes.
3. 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.
4. 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.
5. It is made clear that any unjustified denial of documents may lead to an order of costs against the concerned party.
6. Any party seeking inspection of documents may do so in accordance with the Delhi High Court (Original Side) Rules, 2018.
7. List before the learned Joint Registrar for completion of service,



pleadings, admission/denial of documents and marking of exhibits on 16.07.2026.

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

I.A. 8208/2026 (by plaintiff under Order XXXIX Rules 1 and 2 CPC seeking *ex parte ad interim* injunction restraining the defendant from creating third party interest in suit property)

9. The present suit has been filed praying for decree of partition, permanent and mandatory injunction, as well as, for rendition of accounts.

10. Issue notice to the defendant, by all permissible modes.

11. The subject matter of the suit is property bearing no. L-42, Kalkaji, New Delhi (hereinafter, 'the suit property'). The grandfather of the parties namely Sh. Bishamber Dayal Dixit had purchased the suit property from one Sh. Govind Ram *vide* Registered Sale Deed dated 16.04.1964, thereafter, Sh. Bishamber Dayal Dixit had executed a Will dated 30.05.1975 bequeathing the suit property in favour of his grandsons i.e. plaintiff and the defendant.

12. It is stated that the plaintiff resides in USA but is in constructive possession of the suit property, in as much as, he stays in the suit property as and when he comes to India. Further, a part of the property has also been let out to tenants, therefore constructive possession of said let out portion is also with plaintiff.

13. Mr. Mayank Gupta, learned counsel for the plaintiff submits that the defendant was earlier paying half of the rent being collected from the rented out portion of the suit property but of late he has stopped paying the rent as per the plaintiff's share.

14. It is stated that after the death of father of the parties, various litigations have cropped up between the parties and the same are pending.



15. He submits that there is grave apprehension that the defendant will create third party interest over the suit property.
16. Having regard to the fact that the plaintiff is one of the beneficiaries under the Will dated 30.05.1975 executed by Late Sh. Bishamber Dayal Dixit (grandfather of the parties), he thus, has a share in the suit property and has made out a *prima facie* case of 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 are created in the suit property before the next date.
17. The parties are, therefore, directed to maintain *status quo* as to the title and possession of the suit property.
18. 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.
19. Defendant 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.
20. List before the learned Joint Registrar for completion of service and pleadings on 16.07.2026.
21. List before Court after completion of pleadings on a date to be assigned by the learned Joint Registrar.

VIKAS MAHAJAN, J

MARCH 27, 2026/dss