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

+ **CS(OS) 222/2023**

**MASTER ABHIMANYU SINGH THROUGH HIS  
MOTHER AND NATURAL GUARDIAN & ANR. .... Plaintiffs**

Through: Mr. Avinash K. Trivedi, Mr.  
Anurag Kaushik & Mr. Nitin  
Arora, Advocates.

versus

**SHARMILA SINGH & ORS. .... Defendants**

Through: Mr. V.S. Dubey, Advocate for D-1  
& 2.

**CORAM:**

**HON'BLE MR. JUSTICE PRATEEK JALAN**

**ORDER**

% **11.04.2023**

**I.A. 6547/2023(exemption)**

The application for exemption is allowed, subject to the plaintiffs granting inspection of the documents filed, as and when required to do so, or filing the original documents at the stage of admission/denial.

The application stands disposed of.

**CS(OS) 222/2023**

1. The plaint be registered as a suit. Issue summons. Mr. V.S. Dubey, learned counsel, appears on advance notice on behalf of defendant Nos. 1 and 2 and waives formal service of summons. Written statements on behalf of the said defendants may be filed within thirty days.
2. Summons be issued to defendant No. 3 by all permissible modes on filing of process fee. *Dasti* service in addition is permitted. Affidavit of service be filed within 10 days.
3. The summons shall indicate that the written statements must be



filed within thirty days from the date of receipt of the summons. The defendants shall also file affidavits of admission/denial of the documents filed by the plaintiffs, failing which the written statements shall not be taken on record.

4. The plaintiffs are at liberty to file replications thereto within fifteen days after filing of the written statements. The replications shall be accompanied by affidavits of admission/denial in respect of the documents filed by the defendants, failing which the replications 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 marking of exhibits on 25.05.2023.

8. List before the Court on 28.08.2023.

**I.A. 6546/2023(Application under Order XXXIX Rule 1 and 2 seeking ex-parte ad-interim injunction)**

1. Issue notice. Mr. V.S. Dubey, learned counsel, appears on advance notice on behalf of defendant Nos. 1 and 2. Issue notice to defendant No. 3 by all permissible modes. *Dasti* service in addition is permitted. Affidavit of service be filed within 10 days.

2. The plaintiffs claim to be the minor son and wife of late Mr. Rahul Singh, who has stated to have died on 03.06.2020. They claim partition of his estate.

3. According to the plaintiffs, deceased Mr. Rahul Singh was earlier



married to defendant No. 1-Ms. Sharmila Singh but the marriage was dissolved by a decree of divorce prior to his marriage to plaintiff No. 2. Defendant No. 2 is the daughter of late Mr. Rahul Singh and defendant No. 1. Defendant No. 3 is the mother of late Mr. Rahul Singh.

4. According to the plaintiffs, they are at present residing in a property [H-303, Aruna Apartment, I.P. Extension, Patparganj, New Delhi-110092] [“the property”], which is one of the suit properties.

5. For the present, Mr. Avinash K. Trivedi, learned counsel for the plaintiffs, states that the plaintiffs seek an order of *status quo* with regard to the title and possession of the aforementioned property. Although defendant No. 1 has filed a suit being CS DJ No. 571/2021 [*Sharmeela Singh vs. Heena*] before Additional District Judge-03, East District, Karkardooma Courts, Delhi for possession of the property from plaintiff No. 2, learned counsel for the parties state that no interim orders have been passed in the said suit. Mr. Dubey states that defendant Nos. 1 and 2 will maintain *status quo* as to the title and possession of the property until the next date of hearing, without prejudice to their rights and contentions.

5. Replies to the application may be filed within four weeks. Rejoinder, thereto, if any, may be filed within two weeks thereafter.

6. The question of appropriate interlocutory orders with regard to the other suit properties will be decided after filing of the affidavits.

7. List on 28.08.2023.

**PRATEEK JALAN, J**

**APRIL 11, 2023**

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