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

+ **CS(OS) 182/2022**

SIMRANJEET SINGH & ANR.

..... Plaintiffs

Through Mr. J.P. Sengh, Senior Advocate with
Mr. Suhail Khan, Mr. Vishal Raj
Sahijpal, Ms. Manisha Mehta and Mr.
R.L. Sinha, Advocates

versus

RANJEETA KAUR & ORS.

..... Defendants

Through Mr. Ashim Vachher and Mr. Vaibhav
Dabas and Mr. Kunal Lakra,
Advocates

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

01.04.2022

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I.A. 5037/2022 (Exemption)

Allowed, subject to all just exceptions.

I.A. 5038/2022 (under Order 39 Rules 1 & 2 CPC)

1. Plaintiffs, inter-alia, seek a declaration thereby declaring the plaintiffs as the owners of the suit property i.e. ground floor of property bearing No. C-627, New Friends Colony, New Delhi along with one-half undivided share in the land underneath. Plaintiffs also seek possession from the defendants of the subject ground floor.

2. Learned Senior Counsel for the plaintiffs points out that the plaintiffs have become the owners of the subject property by virtue of the last Will dated 30.01.2016 of late Smt. Gulshan Kaur. It is pointed

CS(OS) 182/2022

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out that the property has duly been mutated in favour of the plaintiffs by the by the Corporation.

3. Learned Senior Counsel submits that when mutation was carried out, it was objected to by the defendants, however, objections were dismissed.

4. It is contended that there is an apprehension that defendants may create third party rights or change the nature of the property.

5. Issue notice. Notice is accepted by learned counsel appearing for the defendants who prays for time to file reply. Let the same be filed within four weeks. Rejoinder, if any, be filed within four weeks thereafter.

6. Plaintiffs have made out a prima facie case in their favour for grant of an ad-interim injunction, balance of convenience is also in favour of the plaintiffs and in case the ad-interim injunction is not granted, irreparable loss and injury is likely to be caused to the plaintiffs.

7. Till the next date of hearing, defendants are restrained from changing the nature of the property or from creating any third party interest in the suit property i.e. ground floor of property bearing No. C-627, New Friends Colony, New Delhi and one half land underneath.

8. Since the defendants have entered appearance and copy of the entire paper book has already been furnished to learned counsel for



the defendants, plaintiffs are exempted from complying with Order 39 Rule 3 CPC.

CS(OS) 182/2022

9. Plaint be registered as a suit.
10. Issue summons. Notice is accepted by learned counsel appearing for the defendants.
11. Let written statement be filed in accordance with law. Replication, if any, be filed within four weeks thereafter.
12. Parties shall file their affidavits of admission/denial of documents along with the Written Statement and Replication respectively.
13. List before the Joint Registrar for completion of pleadings and admission/denial of documents, if any, on 11.07.2022.
14. List the suit before the Court on 28.07.2022 for framing of issues and arguments on the stay application.

SANJEEV SACHDEVA, J

APRIL 1, 2022
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