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

+ **CS(OS) 172/2021**

RAJINDER SINGH BHATIA Plaintiff
Through: Mr. Abhishek Aggarwal, Advocate

versus

MANJU BHATIA Defendant
Through: None

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

% **19.03.2021**

I.A. 4196/2021 (Exemption)

1. The present application has been filed under Section 151 CPC on behalf of the plaintiff seeking exemption from filing original and typed copies of the documents.
2. The application is allowed, subject to the plaintiff filing typed copies of the documents within a period of two weeks from today.
3. Insofar as filing of original documents is concerned, the plaintiff shall place the same on record as and when directed to do so by this Court.
4. The application stands disposed of.

CS(OS) 172/2021 and I.A. 4195/2021 (under Order XXXIX Rules 1 & 2 CPC)

1. Plaint be registered as suit.
2. Issue summons in the suit and notice in the application to the defendant on the plaintiff taking steps by all permissible modes, returnable



before the learned Joint Registrar on 17.05.2021 for completion of service, pleadings and admission/denial of documents.

3. The summons shall indicate that the written statement to the suit and reply affidavit to the application must be filed by the defendant within thirty days from the date of receipt of the summons. The defendant shall also file 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 and rejoinder affidavit thereto within three weeks 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. List the suit and application before the Court on 15.07.2021.

6. The plaintiff claims that *Late Shri Har Gopal Bhatia* was the owner of suit property bearing No. B-43 & B-44, Double Storey, Ramesh Nagar, New Delhi-110015. He died intestate on 02.11.2000. He was survived by his wife, *Smt. Raj Kumari Bhatia* and four children including the plaintiff and defendant herein, and *Ms. Neera Bhatia* and *Mr. Naveen Kumar Bhatia*. It is also claimed that *Smt. Raj Kumari Bhatia* along with the defendant, *Ms. Neera Bhatia* and *Mr. Naveen Kumar Bhatia* relinquished their 20% share each in the suit property in favour of the plaintiff.

7. It is also averred that earlier, a suit for partition bearing No. CS(OS) 3380/2015 was filed by the plaintiff against the defendant herein, *Ms. Neera Bhatia* and *Mr. Naveen Kumar Bhatia*. In the aforesaid suit, written statement was filed by the defendant acknowledging execution of relinquishment of her 20% share in the suit property in favour of the



plaintiff. The suit was decreed on 12.03.2020 wherein, a statement on behalf of the present defendant was also recorded. The plaintiff claims that the defendant, as acknowledged by her, has no right in the suit property and has refused to vacate and hand over the peaceful possession of the suit property to the plaintiff.

8. Having gone through the pleadings and the arguments, and considering the averments in the plaint and the documents filed, the plaintiff has made out a *prima facie* case in his favour and in case, no *ex-parte ad-interim injunction* is granted, the plaintiff would suffer an irreparable loss. The balance of convenience also lies in favour of the plaintiff and against the defendant.

9. Consequently, till the next date of hearing, the defendant is directed to maintain *status quo* in respect of the title and possession of the suit property and further restrained not to create any third party rights.

10. Compliance under Order XXXIX Rule 3 CPC be done within one week.

11. ***DASTI.***

MANOJ KUMAR OHRI, J

MARCH 19, 2021

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Click here to check corrigendum, if any