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

+ **CS(OS) 221/2024**

**KESHAV GAUTAM @ AMAN GAUTAM** ..... Plaintiff  
Through: **Mr. Pramod Kumar Ahuja, Advocate.**

versus

**MRS. DIVYA GAUTAM** ..... Defendant  
Through:

**CORAM:**  
**HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI**

**ORDER**

% **15.03.2024**

**I.A. 6060/2024 (Exemption)**

Exemption granted, subject to just exceptions.

Let requisite compliances be made within 01 week.

Application stands disposed-of.

**CS(OS) 221/2024**

By way of the present suit, the plaintiff, who is the son of the defendant, seeks a decree of partition and of permanent and mandatory injunction in relation to the land bearing Khasra No. 23/21 (4-16) situate in the revenue estate of Village : Goyla Khurd, Tehsil : Kapashera, New Delhi.

2. The plaintiff claims to be joint owner of the subject land, claiming ownership through sale deed dated 20.03.2018 alongwith his mother, who is the defendant herein. A copy of the sale deed has been filed on record alongwith a police complaint dated 27.02.2024 on the lines narrated in the plaint.



3. Mr. Pramod Kumar Ahuja, learned counsel appearing for the plaintiff submits, that the defendant is not permitting the plaintiff to enter the subject land, statedly at the behest and instance of a third-party; and that the defendant is running a school from the subject land.
4. Upon being queried, Mr. Ahuja clarifies that the plaintiff goes by the name of Aman Gautam as also Keshav Gautam. A copy of the plaintiff's Aadhaar card has also been filed on record.
5. Upon a *prima-facie* conspectus of the matter, let the plaint be registered as a suit.
6. Issue summons in the suit.
7. Upon the plaintiff taking requisite steps within 10 days, let summons be sent to the defendant by all permissible modes, returnable for the next date before the learned Joint Registrar.
8. Let the summons indicate that the defendant is required to file written statement to the plaint within 30 days from the date of receipt of summons, alongwith affidavit of admission/denial of the documents filed by the plaintiff. The plaintiff may file replication to the written statement within 30 days thereafter, alongwith affidavit of admission/denial of the documents filed by defendant.
9. List before the learned Joint Registrar for completion of pleadings, for admission/denial of documents and marking of exhibits on 24<sup>th</sup> May 2024.
10. List before court thereafter.

**I.A. 6059/2024 (under Order XXXIX Rule 1 & 2 CPC)**

11. By way of the present application filed under Order XXXIX Rule 1 & 2 read with section 151 of the Code of Civil Procedure 1908, the



plaintiff seek *ex-parte* ad-interim injunction restraining the defendant from creating any hindrance to their ingress and egress to the subject land.

12. Issue notice.
13. Upon the plaintiff taking steps, let notice be sent to the defendant, by all permissible modes, returnable for the next date before the learned Joint Registrar.
14. Let the notice indicate that reply to the application be filed within 30 days of service; rejoinder thereto, if any, be filed within 30 days thereafter; with copies to the opposing counsel.
15. List before the learned Joint Registrar on 24<sup>th</sup> May 2024.
16. List before court after completion of pleadings in this application.

**ANUP JAIRAM BHAMBHANI, J**

**MARCH 15, 2024**

*V.Rawat*