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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 185/2021**
MASTER ARMAAN GULATI (MINOR) & ANR. Plaintiffs

Through Mr.R.Y.Kalia, Adv.

Versus

GEETA GULATI, ALIAS SWARAN KANTA &ORS. ..Defendants

Through None.

CORAM:
HON'BLE MR. JUSTICE JAYANT NATH

ORDER
% **26.03.2021**

IA Nos.4685 & 4688/2021(exemption)

Applications are allowed, subject to all just exceptions.

CS(OS) 185/2021

Let the plaint be registered as a suit.

Issue summons to the defendants through speed post, courier and email, returnable for 03.08.2021.

IA Nos.4684 & 4687/2021

Issue notice to the defendants through speed post, courier and email, returnable for 03.08.2021.

IA No.4686/2021

1. This application is filed under Order 39 Rules 1 and 2 CPC seeking interim injunctions restraining the defendants etc. from dispossessing the plaintiffs from the property bearing No.D-27, Mansarovar Garden, New Delhi till disposal of the suit; and also from selling, alienating, transferring



or creating any third party interest in the suit properties mentioned at para 45(a) to (d) of the plaint.

2. The case of the plaintiffs is that they are legal heirs of late Sh.Mayank Gulati. Late Sh.Mayank Gulati is son of Smt.Geeta Gulati @ Swaran Kant (defendant No.1) and brother of Mrs.Kompal Gulati (defendant No.2). Defendant No.3 is the elder son of defendant No.2.

3. It is urged in the plaint that at the time of her marriage in 2002, the parents of plaintiff No.2 had given sufficient dowry including 400 grams gold etc. as spelt out in para 2 of the plaint. It is also admitted in the plaint that late Sh.Surendra Gulati, husband of defendant No.1 who expired on 17.11.2010 had executed a Will dated 26.06.2010 in favour of defendant no.1.

4. However, it is strongly urged that the said Will is a fraudulent Will and that late Sh.Surendra Gulati was not in sound and disposing mind at that time.

5. I cannot help noticing that late Sh.Surendra Gulati has expired in 2010 and this suit has now been filed in 2021. During his life time, late husband of plaintiff No.2 never approached defendant No.1 for partition of the suit properties.

6. However, the plaintiffs have been residing in the said property, bearing No.D-27, Mansarovar Garden, New Delhi for the last 20 years. Let the plaintiffs be not dispossessed from the portion of said property bearing No.D-27, Mansarovar Garden, New Delhi where the plaintiffs presently are residing / in occupation.

7. The defendants will also maintain *status quo* regarding the jewelleryes as mentioned in para 2 of the plaint.



8. Issue notice to the defendants through speed post, courier and email, returnable for 03.08.2021.
9. The plaintiff to comply with the provisions of Order 39 Rule 3 CPC within five days.

MARCH 26, 2021/v

JAYANT NATH, J.