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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 193/2021**
S. ESVINDER SINGH & ORS. Plaintiffs
Through: Mr. A.K. Singla, Senior Advocate
alongwith Mr. Jatin Sharma, Advocate

Versus

S. CHASVINDER SINGH & ORS. Defendants
Through: None.

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

(VIA VIDEO CONFERENCING)

ORDER
% **09.04.2021**

I.A. 4886/2021 (Exemption)

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



I.A. 5224/2021 (Under Section 151 CPC on behalf of Plaintiffs)

1. The present application has been filed under Section 151 CPC on behalf of plaintiffs for incorporating the description of suit property in the plaint and I.A. 4885/2021.
2. It is stated that in I.A. 4885/2021, the property has been described as '*18, SMA Cooperative Industrial Estate, Delhi*'. However, in the suit, the property has been described as '*18, Rajasthani Udhyog Nagar, G.T. Karnal Road, Delhi -110033*'.
3. Learned Senior Counsel for the plaintiffs submits that the address is, in fact, the same.
4. The application is allowed, and the suit property in the prayer clause of I.A. No. 4885/2021 be read as '*18, Rajasthani Udhyog Nagar, G.T. Karnal Road, Delhi – 110033*'.
5. The application stands disposed of.

CS(OS) 193/2021 & I.A. 4885/2021 (Under Order XXXIX Rules 1 & 2 CPC), & I.A. 5225/2021 (Under Section 15A CPC read with High Court Notification No. 324/Rules/DHC dated 12.11.2008 read with Order XXXIX Rule 10 CPC for Directions by the Plaintiffs)

1. Plaint be registered as suit.
2. Issue summons in the suit and notice in the applications to the defendants on the plaintiffs taking steps, through all permissible modes, returnable before the learned Joint Registrar on 24.05.2021 for completion of service, pleadings and admission/denial of the documents.
3. The summons shall indicate that the written statements to the suit and reply affidavits to the applications must be filed by the defendants 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 and rejoinder affidavits thereto within forty five 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. List the suit and the applications before the Court on 28th July, 2021.

6. The present suit has been filed seeking relief of eviction and permanent and mandatory injunction, recovery of arrears of rent/damages, occupation charges and mesne profits and other reliefs. The plaintiffs claim that defendant No.1 is the elder brother of plaintiff No.1 and both are the sons of Late *Shri Ajit Singh*. It is claimed that Late *Shri Ajit Singh* started the family business through his personal resources and funds and established the family business, and the family purchased various residential and commercial properties out of the funds generated from the family business. It is further claimed that in the year 2014, a family settlement dated 29.09.2014 was entered between plaintiff No.1 and defendant No.1. Subsequently, on account of disputes, a civil suit being CS(OS) 232/2017 came to be filed, in which a preliminary decree was passed on 08.01.2018 followed by the final decree on 14.05.2018. It is further claimed that the suit property i.e., 18, *Rajasthan, Udyog Nagar, G.T. Karnal Road, Delhi-110033* came to the share of the plaintiffs. It is further claimed that the possession of the suit property is with the defendants and despite being asked, the same has not been handed over to the plaintiffs.



7. Having gone through the averments and after hearing the submissions of the learned counsel for the plaintiffs, this Court is of the opinion that the plaintiffs have succeeded in making out a *prima facie* case in their favour and in case, no *ex-parte ad-interim* injunction is granted in favour of the plaintiffs, the same would cause irreparable loss to them. Balance of convenience also lies in favour of the plaintiffs.

8. Accordingly, till the next date of hearing, the defendants are directed to maintain *status quo* in respect of the title and possession of the suit property and further, are restrained from creating any third party rights in the same.

9. Compliance under Order XXXIX Rule 3 CPC be done within three days.

MANOJ KUMAR OHRI, J

APRIL 9, 2021

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Click here to check corrigendum, if any