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

+ **CS(OS) 210/2021**

SH. RAMESH CHANDER BAGGA Plaintiff

Through: Mr. Anirudh Bakhru, Mr. Ayush Puri
and Mr. Shivam Bharata, Advocates

versus

MS. NEELAM BAGGA & ORS. Defendants

Through: Ms. Shobhana Takiar, Advocate for
D1
Mr. Sharat Kapoor and Mr. Abhinav
Wadhwa, Advocates for D2

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI
(VIA VIDEO CONFERENCING)

ORDER
13.04.2021

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I.A. 5291/2021 (Exemption)

1. The present application has been filed under Section 151 CPC on behalf of the plaintiff seeking exemption from filing the original documents.
2. The application is allowed, subject to the plaintiff filing the original documents on record as and when it is directed to do so by this Court.
3. The application stands disposed of.

I.A. 5292/2021 (Exemption)

1. The present application has been filed under Section 151 CPC on behalf of the plaintiff seeking extension of time for filing the legible/true typed copies of the documents in double space.



2. The application is allowed, subject to the plaintiff filing the legible/true typed copies of the documents in double space within a period of two weeks from today.

3. The application stands disposed of.

CS(OS) 210/2021, I.A. 5289/2021 (Under Order XXXIX Rules 1 & 2 CPC), I.A. 5290/2021 (Directions)

1. The present suit has been filed seeking relief of partition and mandatory injunction.

2. It is claimed that Late *Sh. Charanjit Lal Seth* (father of defendant Nos. 1 to 6) and Late *Sh. Hukumat Lal Seth* (father of the plaintiff) entered into a partnership deed in the name of *M/s Lahore Typewriter Company*, having 50 % share each. It is claimed that subsequently, though the partnership firm was dissolved but the immovable properties of the firm were not partitioned by metes and bounds and the same remained in the joint name/firm name till date. It is further claimed that *Sh. Charanjit Lal Seth* and *Sh. Hukumat Lal Seth* expired in the year 1984 and on 27.08.1987 respectively. The plaintiff claims to have sent a legal notice to the defendants seeking partition of the properties.

3. Learned counsel for the plaintiff seeks some time to place on record better particulars of the immovable properties as mentioned in para 2 of the plaint.

4. Plaint be registered as suit.

5. Issue summons in the suit and notice in the applications.

6. Learned counsels as mentioned above, accept summons in the suit and notice in the applications on behalf of defendant Nos. 1 and 2. The written statements shall be filed by defendant Nos. 1 and 2 within thirty days from



today along with the reply affidavit to the application and also the affidavits of admission/denial of the documents filed by the plaintiff, failing which the written statements shall not be taken on record.

7. Issue summons in the suit and notice in the application to the remaining defendants on the plaintiff taking steps, through all permissible modes, returnable before the learned Joint Registrar on 28.05.2021 for completion of service, pleadings and admission/denial of the documents.

8. The summons shall indicate that the written statements to the suit and reply affidavits to the application 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 plaintiff, failing which the written statements shall not be taken on record.

9. The plaintiff is at liberty to file replication and rejoinder affidavits thereto within three weeks after filing of the written statements. The replication shall be accompanied by affidavits of admission/denial in respect of the documents filed by the defendants, failing which the replication shall not be taken on record.

10. List the suit and the application before the Court on 29.07.2021.

MANOJ KUMAR OHRI, J

APRIL 13, 2021

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Click here to check corrigendum, if any