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

+ **CS(OS) 196/2025**

NIRMAL JIT KAUR

.....Plaintiff

Through: Mr. Kirti Uppal, Sr. Advocate with
Ms. Shaini Bhardwaj, Ms. Aastha
Dhawan, Mr. Vedic Thukral and Ms.
Archisha Satyarthi, Advocates

versus

JASNEET NIRMAN & ORS.

.....Defendants

Through: Mr. Nikhil Singhvi, Mr. Parth
Aggarwal and Mr. Sushrut Sharma,
Advocates for D-1

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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26.03.2025

I.A. 7883/2025 (for exemption from filing certified and true typed copies of
DIM and annexures)

1. This is an application filed by the plaintiff seeking exemption from filing fair and typed copies of the dim documents, which have been filed with the suit.
2. Subject to the plaintiff filing fair typed, clear and legible copies of the dim documents within four weeks from today, exemption is granted for the present.
3. Accordingly, the captioned I.A stands disposed of.

CS(OS) 196/2025

4. This is a suit for declaration and permanent injunction filed with



respect to the property bearing no. A-1/322, Janakpuri, New Delhi- 110058 (hereinafter referred to as the 'Suit Property').

5. Learned counsel for plaintiff submits that the plaintiff is the absolute owner and in possession of First Floor and Eastern side half portion of the Second Floor (*Barsati*) of property bearing no. A-1/322, Janakpuri, New Delhi- 110058.

6. Let the plaint be registered as a suit. Issue summons.

7. Mr. Nikhil Singhvi, Advocate enters appearance on behalf of defendant no. 1 on advance service.

8. He states that he will file his *Vakalatnama* within a period of one (1) week. He states that he waives formal service of summons on behalf of defendant no. 1 and confirms receipt of the complete paper-book pertaining to the present suit. He states that he will file his written statement within thirty (30) days as per DHC (Original Side) Rules, 2018.

9. He states that he will take instructions with respect to entering appearance on behalf of defendant nos. 2, 3 and 4 and accepting summons on their behalf.

10. It is directed that in case, Mr. Nikhil Singhvi, Advocate receives instructions to appear for defendant nos. 2, 3 and 4, he shall duly file his *Vakalatnama* within one (1) week and inform the counsel for the plaintiff through e-mail.

11. And, in case, no e-mail is received by the counsel for the plaintiff, upon steps being taken by the plaintiff, issue summons to defendant nos. 2, 3 and 4 through all modes. Let the affidavit of service be filed within one (1) week.

12. Let the summons state that written statements must be filed within



thirty days from the date of receipt of 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.

13. The plaintiff is at liberty to file replications thereto within thirty 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 defendant, failing which the replications shall not be taken on record.

14. It is made clear that any unjustified denial of documents may lead to an order of costs against the concerned party.

15. Any party seeking inspection of documents may do so in accordance with the Delhi High Court (Original Side) Rules, 2018.

16. Learned counsel for the plaintiff states that for the present, there is no requirement to issue summons to defendant no. 5.

17. List before the learned Joint Registrar for completion of service and pleadings on **23.04.2025**.

18. List before the Court on **19.08.2025**.

I.A. 7882/2025 (Under Order XXXIX Rule 1 and 2 CPC)

19. This is an application filed by the plaintiff under Order XXXIX Rule 1 and 2 of Code of Civil Procedure, 1908 ('CPC') seeking the following reliefs: -

- "a. Pass an order of ex-parte ad interim injunction thereby restraining the Defendants, their agents or representatives, or any person acting on their behalf from interfering or creating hinderance with the Plaintiff's possession of the Suit Property, and the articles lying in the suit property in any manner whatsoever;
- b. Pass an order of ex-parte ad interim injunction restraining the Defendants, their agents, representatives, or any person acting on their behalf from creating any third-party rights, selling, transferring, or alienating the Suit Property in any manner whatsoever.



c. Pass an order of ex-parte ad interim injunction thereby restraining the Defendants from initiating any false, frivolous litigation, civil or criminal, concerning the Suit Property being First Floor and Eastern side half portion of the Second Floor (Barsati) of property bearing no. A-1/322, Janakpuri, New Delhi -110058.”

20. Mr. Nikhil Singhvi, learned counsel for defendant no. 1 states that defendant no. 1 is not claiming any title rights in the suit property. He further asserts that defendant no. 1 has no intention to interfere, in any manner, with the plaintiff's possession of the Suit Property.

21. He states that in the legal notice issued to the plaintiff, defendant no. 1 refers only to the fact that the personal articles and possessions are lying in the premises and she has requested the plaintiff to take necessary measures to secure those articles.

22. He states that his statement on behalf of defendant no. 1 can be recorded that she will not interfere in the peaceful possession of the plaintiff.

23. The statement of defendant no. 1 is taken on record and she is bound down to the same.

24. In view of the aforesaid submissions of defendant no. 1 and the averments made in the claim, it has been put to plaintiff and defendant no. 1, if they are willing to consider appointment of the Local Commissioner, who can visit the suit premises in the presence of the authorized representative of the plaintiff and defendant no. 1 to identify and remove the articles of defendant no. 1 and hand over the same to the authorized representative of defendant no. 1.

25. Parties seek time to take instructions in this regard. The cost of the Local Commissioner shall be borne by both the parties.

26. List before the learned Joint Registrar for completion of service and



pleadings on **23.04.2025**.

27. List before the Court on **19.08.2025**.

28. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of order shall be insisted by any authority/entity or litigant.

MANMEET PRITAM SINGH ARORA, J

MARCH 26, 2025/rhc/AM