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

+ **CS(OS) 261/2024, I.A. 7166/2024**

HARMAN PREET KAUR DHIR Plaintiff

Through: Mr Karanjot Singh Mainee, Mr Sahil Chopra, Mr Shishia Kaushik and Ms Tanya Kaul, Advs.

versus

PRITAM SINGH BHATIA & ANR. Defendants

Through: Mr Murari Tiwari, Ms Payal Dhupar, Mr Aswini Kumar Pani and Ms Madhu Tiwari, Advs.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

28.03.2024

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I.A. 7165/2024

26. Exemption is granted subject to all just exceptions.

27. The plaintiff shall file legible and clearer copies of exempted documents, compliant with practice rules before the next date of hearing.

28. The application is disposed of.

CS(OS) 261/2024

29. This is a suit seeking a decree of declaration of dissolution of PS Bhatia (HUF) and passing a preliminary decree of partition of 1/3rd share of the suit property in favour of the plaintiff.

30. It is stated by Mr. Mainee, learned counsel for the plaintiff that the PS Bhatia (HUF) owns property bearing No. 17, Tarun Enclave, Pitampura, Delhi ("*suit property*") which is ad-measuring 176.95 sq. yards comprising of basement, ground floor and two floors. Since the plaintiff is the daughter of defendant No.1, she has a share in PS Bhatia (HUF).



31. Mr Tiwari, learned counsel for the defendants states that he has already filed a suit seeking declaration that the suit property is the self acquired property of the defendant No.1.

32. Let the plaint be registered.

33. Issue summons. Mr Tiwari, learned counsel accepts summons on behalf of defendant Nos. 1 and 2. He seeks and is granted 30 days time in accordance with CPC to file written statements.

34. It is stated by Mr Tiwari, learned counsel for the defendants that the plaintiff is not in possession of any portion of the suit property which is refuted by Mr Mainee, learned counsel for the plaintiff.

35. Mr Mainee states that the plaintiff shall pay ad-valorem court fees on the valuation of the suit within 15 days from today.

36. In case the court fees is not paid within the said period, the file shall be put up by the Registry.

37. List before the concerned Joint Registrar (Judicial) on 29.04.2024.

38. List before this Court on 13.08.2024.

I.A. 7162/2024

39. This is an application under Order XXXIX Rule 1 and 2 CPC filed on behalf of the plaintiff seeking ad-interim ex-parte orders.

40. *Prima facie*, the conveyance deed shows that the suit property belongs to PS Bhatia (HUF) and the plaintiff being the daughter of Sh. PS Bhatia has her share in the HUF.

41. For the said reasons, I am of the view that the plaintiff has made out a *prima facie* case. The balance of convenience also lies in favour of the plaintiff and against the defendants. In case ad-interim ex-parte order as prayed for is not granted, the plaintiff will suffer irreparable loss and injury,



which cannot be compensated in terms of money.

42. It is directed that till the next date of hearing, the defendant Nos. 1 and 2 shall maintain status quo with regard to title and possession of the suit property.

43. List before the concerned Joint Registrar (Judicial) on 29.04.2024.

44. List before this Court on 13.08.2024.

I.A. 7163/2024

45. This is an application under Order II Rule 3 read with Section 151 CPC praying for liberty to file the present suit for part of the reliefs that the plaintiff is entitled to and reserve the liberty to seek additional reliefs as and when the stage so arises in the instant proceedings along with supporting affidavit.

46. For the reasons stated in the application, issue notice.

47. Mr Tiwari, learned counsel accepts notice on behalf of the defendants. Reply, if any, be filed before the next date of hearing.

I.A. 7164/2024

48. This is an application under Order XI rule 12 of CPC for discovery of documents along with disclosure of all movable and immovable assets of PS Bhatia (HUF).

49. For the reasons stated in the application, issue notice.

50. Mr Tiwari, learned counsel accepts notice on behalf of the defendants. Reply, if any, be filed before the next date of hearing.

JASMEET SINGH, J

MARCH 28, 2024/sr