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

+ **CS(OS) 203/2025**

BEENU MAANN AND ANR

.....Plaintiffs

Through: Mr. Rajneesh Sharma and Mr. Abhay
Sahai, Advs.

versus

GURBJAJAN SINGH MAANN AND ORS

.....Defendants

Through: None

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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25.04.2025

CS(OS) 203/2025

1. The present suit has been filed seeking partition of suit property bearing no. 958, Bhishma Pitamah Marg, Kotla Mubarakpur, Arjun Nagar, New Delhi-110003 (herein after referred to as 'Suit Property').
2. The plaintiffs claim an undivided share of 11.11% in the suit property.
3. Learned counsel for the plaintiff states that ad-valorem Court fee stands deposited in compliance of the previous order.
4. Let the plaint be registered as a suit. Issue summons to the defendants by all permissible modes on filing of process fee. Affidavit of service be filed within two (2) weeks.
5. The summons shall indicate that the written statement(s) must be filed by the defendants within thirty (30) days from the date of receipt of the summons. The defendants shall also file affidavit(s) of admission/denial of



the documents filed by the plaintiffs, failing which the written statement(s) shall not be taken on record.

6. The plaintiffs are at liberty to file replication(s), if any, within thirty (30) days after filing of the written statement(s). The replication(s) shall be accompanied by affidavit(s) of admission/denial in respect of the documents filed by the defendants, failing which the replication(s) shall not be taken on record.

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

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

9. List before the learned Joint Registrar (J) on **03.07.2025**.

10. List before this Court on **22.09.2025**.

I.A. 8301/2025(under Order XXXIX Rule 1 and 2 CPC)

11. This is an application filed by the plaintiff under Order XXXIX Rule 1 and 2 of Code of Civil Procedure, 1908 ('CPC') seeking ad interim ex-parte injunction in respect of the suit property.

12. Learned counsel for the plaintiffs states that the suit property was owned by Smt. Sardarni Persan Kaur. He states that Smt. Sardarni Persan Kaur died intestate on 25.05.1978 and was survived by her husband Sardar Nand Singh and her nine (9) children. He states that Sardar Nand Singh expired intestate on 09.09.1984 and his interest in the Suit Property devolved equally upon his nine (9) children. He states thus the suit property devolved upon the nine (9) children.

13. He states that one of the children, Sardar Lakhbir Singh Maann inherited 11.11% share in the suit property. He states plaintiff nos. 1 and 2,



along with Ms. Melvina Maann inherited the aforesaid share of 11.11%, being the Class I legal heirs of Sardar Lakhbir Singh Maann. Subsequently, Ms. Melvina Maann has relinquished her share of 3.70% in favour of plaintiff nos. 1 and 2, who now collectively hold the said 11.11% share.

14. Reference is made by learned counsel for the plaintiff to paragraphs 3 to 7 of the plaint, for the said submissions.

15. He states that, however, the plaintiffs have recently learnt that the other co-owners have transferred their shares in favour of defendant nos. 9 and 10 and have handed over the physical possession of the suit property to them.

16. He states that since the plaintiffs continue to be undivided owners to the extent of 11.11%, the present suit has been filed for partition.

17. He states the fact that Smt. Sardarni Persan Kaur was the original owner of the suit property is recorded in the sale deed executed by the other co-owners in favour of defendant nos. 9 and 10.

18. Issue notice to defendants through all modes. Affidavit of service be filed within two (2) weeks.

19. Defendants are directed to file their reply to this application within a period of four (4) weeks from the receipt of notice. Rejoinder thereto, if any, be filed within two (2) weeks thereafter.

20. In view of the submissions and the facts noted above, this Court is of the opinion that the plaintiffs have made out a *prima facie* case in their favour vis-à-vis their title to the suit property. The balance of convenience lies in favour of the plaintiffs, and there is likelihood of irreparable injury being caused to the plaintiffs in the absence of interim relief.

21. Accordingly, till the next date of hearing, defendant nos. 9 and 10 are



directed to maintain *status quo* in respect to the title and possession of the suit property.

22. Provisions of Order XXXIX Rule 3 of CPC be complied with within one (1) week from today.

23. List before Court on **22.09.2025**.

24. 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

APRIL 25, 2025/hp/akp

[Click here to check corrigendum, if any](#)