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

+ **CS(OS) 237/2021**

SUNITA SHARMA

..... Plaintiff

Through: Ms. Sonia A. Menon, Advocate

Versus

MEENA SHARMA & ORS.

..... Defendants

Through: Mr. Anupam Srivastava, & Mr. Chirag
Madan, Advocates for Defendant Nos. 1 to 3

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

(VIA VIDEO CONFERENCING)

ORDER

% **05.05.2021**

I.A. 6155/2021 (Exemption)

1. The present application has been filed under Section 151 CPC on behalf of the plaintiff seeking exemption from filing the duly sworn affidavits and the requisite Court fees.
2. The application is allowed, subject to the plaintiff filing the duly sworn affidavits and the requisite Court fees on the resumption of physical Courts or within four weeks, whichever is earlier.
3. The application stands disposed of.

CS(OS) 237/2021 & I.A. 6153/2021 (Under Order XXXIX Rules 1 & 2 CPC), I.A. 6154/2021 (Under Order XXXIX Rule 10 CPC)

1. Plaint be registered as suit.
2. Issue summons in the suit and notice in the applications.
3. Learned counsel for defendant Nos. 1 to 3 accepts summons in the suit and notice in the applications. The written statements shall be filed by defendant Nos. 1 to 3 within thirty days from today along with the reply



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

4. Issue summons in the suit and notice in the applications to the remaining defendants on the plaintiff taking steps through all permissible modes including electronic, returnable before the learned Joint Registrar on 12.08.2021 for completion of service, pleadings and admission/denial of documents.

5. 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.

6. 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.

7. List the suit and the applications before the Court on 21st September, 2021.

8. The present suit has been filed seeking relief of partition, rendition of accounts, permanent and mandatory injunction.

9. It is claimed that the plaintiff is the daughter of Late *Shri Ramesh Dutt Sharma* and Late *Smt. Sarla Sharma*. It is averred that the parents of the plaintiff, during their lifetime, had acquired the immovable and movable properties mentioned in para 6 of the plaint.



10. It is claimed that while *Smt. Sarla Sharma* died intestate on 17.11.2014, *Shri Ramesh Dutt Sharma* died intestate on 15.04.2021. It is claimed that the defendants are the other children of Late *Shri Ramesh Dutt Sharma* and Late *Smt. Sarla Sharma*. The plaintiff claims that the plaintiff along with the defendants has 1/7th undivided share in the suit properties.

11. Learned counsel for defendant Nos. 1 to 3 submits that defendant Nos. 1 to 3 are supporting the case of the plaintiff.

12. Having gone through the averments and the documents placed on the record and after hearing the submissions of the learned counsel for the plaintiff, this Court is of the opinion that the plaintiff has succeeded in making out a *prima facie* case in her favour and in case, no *ex-parte ad-interim* injunction is granted in favour of the plaintiff, the same would cause irreparable loss. Balance of convenience also lies in favour of the plaintiff and against the defendants.

13. Consequently, till the next date of hearing, the parties are directed to maintain *status quo* in respect of the title and possession of the immovable and movable properties (a) to (d) and (f) to (i) mentioned in para 6 of the plaint and are further directed to not create any third party rights in the same.

14. Compliance under Order XXXIX Rule 3 CPC be done within one week.

MANOJ KUMAR OHRI, J

MAY 5, 2021

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