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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(OS) 365/2026 & I.A. 11342/2026, I.A. 11343/2026, I.A.
11344/2026, I.A. 11345/2026

MASTER DESHDEEP TYAGI & ANR.Plaintiffs
Through: Mr. Rakesh Srivastava, Adv.
Mob: 9911116314
versus

AMBUJ TYAGI & ORS.Defendants
Through: None

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

% **24.04.2026**

I.A. 11344/2026 (For exemption from filing Certified copies)

1. Exemption allowed, subject to just exceptions.
2. Application is disposed of.

I.A. 11345/2026 (For exemption from filing proof of service)

3. In view of the urgency expressed on behalf of the plaintiffs, exemption is allowed.
4. Application is disposed of.

I.A. 11343/2026

5. The present application has been filed under Order XXXII Rule 3 read with Section 151 of the Code of Civil Procedure, 1908 ("CPC"), for allowing the applicant, i.e., mother of both the minor plaintiffs, to act as their next friend/guardian in the present suit.
6. It is submitted that the plaintiffs are sons of the applicant and are aged 12 years and 10 years, respectively.



7. It is further submitted that the mother of the plaintiffs has no adverse interest against the plaintiffs.

8. Accordingly, considering the aforesaid, Ms. Anju Tyagi, the mother of plaintiff nos. 1 and 2, is appointed as the next friend of the plaintiffs to represent them in the present suit.

9. With the aforesaid directions, the present application is disposed of.

CS(OS) 365/2026

10. Let the plaint be registered as suit.

11. Issue summons to the defendants, through all permissible modes.

12. The summons shall state that the written statement(s) shall be filed by the defendants, within thirty (30) days from the date of receipt of summons. Along with the written statement(s), the defendants shall also file affidavit(s) of admission/denial of the documents of the plaintiffs, without which, the written statement(s) shall not be taken on record.

13. Liberty is given to the plaintiffs to file replication(s), if any, within thirty (30) days from the receipt of the written statement(s). Along with the replication(s), filed by the plaintiffs, the affidavit(s) of admission/denial of the documents of defendants, be filed by the plaintiffs, without which, the replication(s) 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. If any of the parties wish to seek inspection of the documents, the same shall be sought and given within the timelines.

16. List before the Joint Registrar (Judicial) on 09th July, 2026, for completion of service.

17. List before the Court on 10th September, 2026.



I.A. 11342/2026

18. The present suit has been filed for partition, declaration and permanent injunction in respect of the ancestral properties left behind by the great grandfather of the plaintiffs, i.e., Late Shri Braham Chand.

19. It is submitted that the mother of the plaintiffs married defendant no. 1 in the year 2011, and out of the said wedlock, two sons, i.e., the plaintiffs were born.

20. Learned counsel for the plaintiffs submits that during the stay in the matrimonial home, the defendant no. 1 and his family members harassed and tortured the mother of the plaintiffs. Due to the same, the mother of the plaintiffs, along with the plaintiffs, had to leave the matrimonial home in the year 2013, and since then, the plaintiffs are residing with their mother in her maternal home.

21. It is submitted that as per the revenue record, said Late Shri Braham Chand, who is also the grandfather of defendant no. 1 and the father of defendant nos. 4 to 6, had various undivided ancestral properties, details of which, as given in the plaint, are as follows:

- i) Land measuring 126½ bigha 10 biswa situated at Vill. Salempur Majra Burari Delhi in khatoni no.97/92 as shown in the Khatoni for the year 1989-90.



- ii) Land measuring 63 bigha 19 biswa situated at Vill. Burari, Delhi in khatoni no.507 as shown in the Khatoni for the year 1993-94.
- iii) Land measuring 9 situated at bigha 6 biswa Vill. Salempur Majra Burari Delhi in khatoni no.268/255 as shown in the Khatoni for the year 1989-90
- iv) Land measuring 9 bigha situated at 12 biswa Vill. Salempur Majra Burari Delhi inf khatoni no.216/209 as shown in the Khatoni for the year 1989-90

22. It is submitted that with a view to grab the share of the plaintiffs, the defendant no. 1, i.e., father of the plaintiffs, had earlier executed two gift deeds in favour of his sister, who is defendant no. 2 before this Court, on 31st October, 2019.

23. It is further submitted that defendant no. 2 has further sold the gifted property situated in extended *Laldora Village, Burari, Delhi*, to defendant no. 7, by executing a sale deed registered on 15th April, 2021.

24. Thus, learned counsel for the plaintiffs submits that there is an apprehension that the defendants may create third party rights in the ancestral properties which are a subject matter of the present suit, and thus, it is prayed that *status quo* be maintained.

25. The matter requires consideration.

26. Issue notice to the defendants, by all modes.

27. Let reply be filed within a period of four weeks.

28. Rejoinder thereto, if any, be filed within a period of two weeks, thereafter.

29. Considering the submissions made before this Court, this Court is of the view that the plaintiffs have established a *prima facie* case in their favour.



30. In case, interim relief is not granted, the plaintiffs shall suffer irreparable loss. Further, the balance of convenience is also in favour of the plaintiffs.

31. Accordingly, it is directed that the defendants, their agents, servants and associates are restrained from selling, transferring or creating any third party rights in respect of the properties forming subject matter of the suit, as also mentioned hereinabove.

32. Compliance of Order XXXIX Rule 3, CPC be done within a period of one week, from today.

33. List before the Court on 10th September, 2026.

MINI PUSHKARNA, J

APRIL 24, 2026
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