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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 284/2022**

SURESH CHANDER GANDHI & ORS. Plaintiffs
Through: Mr. P.S. Bindra, Sr. Advocate with
Ms. Rishika Arora, Advocate

versus

CHAND MALHOTRA & ORS. Defendants
Through: None

CORAM:
HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

% **18.05.2022**

I.A. 7822/2022 (for exemption)

1. Subject to the plaintiffs filing the certified copies of the documents, fair typed copies of the dim documents, and documents with proper margins sought to be relied upon, within four weeks from today, exemption is granted for the present.
2. The application is disposed of.

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3. Let the plaint be registered as a suit.
4. Issue summons in the suit through all modes. The written statement(s) shall be filed by the defendants within thirty days from the receipt of summons. Along with the written statement(s), the defendants shall also file affidavit of admission/denial of the documents of the plaintiffs.
5. Liberty is granted to the plaintiffs to file replication(s) to the written



statement(s), if any, within fifteen days from the receipt of the written statement(s). Along with the replication(s) filed by the plaintiffs, affidavit of admission/denial of the documents of the defendants be filed by the plaintiffs.

6. List before the Joint Registrar on 16th August, 2022 for completion of service and pleadings.

7. List before the Court on 19th October, 2022.

I.A. 7821/2022 (O-XXXIX R-1 & 2 of CPC)

8. The present suit has been filed seeking *inter alia*, partition and other ancillary reliefs.

9. The case of the plaintiffs is that the plaintiffs and the defendants no. 1 to 10 are the legal heirs of late Sh. Murli Dhar Gandhi and his wife, late Smt. Shanti Devi Gandhi. One of the children of late Sh. Murli Dhar Gandhi was late Smt. Santosh Kumari Gandhi, who passed away *intestate* on 10th February, 2022. Late Smt. Santosh Kumari Gandhi was unmarried and had no issues. Accordingly, it is claimed that the plaintiffs and the defendants no. 1 to 10 are the class I legal heirs in respect of late Sh. Murli Dhar Gandhi, late Smt. Shanti Devi Gandhi and late Smt. Santosh Kumari Gandhi.

10. It is stated on behalf of the plaintiffs that late Smt. Shanti Devi Gandhi and late Smt. Santosh Kumari Gandhi were joint owners of the leasehold property bearing No. G-192, Naraina Vihar, New Delhi-110028 and late Smt. Santosh Kumari Gandhi was the owner of the property bearing No. C-5/114, Ground Floor, Lawrence Road, New Delhi-110035. Further, late Smt. Santosh Kumari Gandhi held shares in demat account bearing No. DP ID - IN301151, DP account No - 26725990 in HDFC Bank, Sector-8,



Rohini, Delhi and has the savings account number 08861930001203 in HDFC Bank, Sector-8, Rohini, Delhi. The plaintiffs and the defendants no. 1 to 10 are entitled to share in both aforesaid immovable and movable properties belonging to the three of them as prescribed in Schedule A, Schedule B and Schedule C to the plaint.

11. It is further averred that after the death of late Smt. Santosh Kumari Gandhi, funds from her bank account and shares from her demat account had been transferred by the defendant no. 11, who is a distant relative, into his own account.

12. Issue Notice.

13. Notice be issued to the defendants through all modes.

14. Reply(ies) be filed within four weeks.

15. Rejoinder thereto, if any, be filed within two weeks thereafter.

16. Counsel for the plaintiffs has made out a *prima facie* case for grant of *ex parte* injunction in favour of the plaintiffs. Consequently, till the next date of hearing, status quo will be maintained in respect of (i) the title and possession of the aforesaid immovable properties bearing No. G-192, Naraina Vihar, New Delhi-110028 and C-5/114, Ground Floor, Lawrence Road, New Delhi-110035; (ii) the movable assets described in Schedule A, Schedule B and Schedule C filed along with the plaint; and, (iii) shares that have been transferred from the account mentioned in Schedule A to the account of the defendant no. 11.

17. Compliance report under Order XXXIX Rule 3 of the Code of Civil Procedure, 1908 (CPC) be filed within five days.

18. List before the Joint Registrar 16th August, 2022.

19. List before Court on 19th October, 2022.



20. *Dasti* under signatures of the Court Master.

AMIT BANSAL, J

MAY 18, 2022

Sakshi R.