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

+ **CS(OS) 324/2022, I.A. 8886/2022 (exemption from service)**

NABIL JAFRI

..... Plaintiff

Through: Mr. M. Tariq Siddiqui with Mr.
Tanveer Ahmad and Mohd.
Noumaan, Advocates.

versus

TARANNUM JAFRI

..... Defendant

Through: None.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

% **31.05.2022**

I.A. 8885/2022 (for exemption)

1. Subject to the plaintiff filing the original/certified copies/fair typed copies of the documents on which the plaintiff may seek to place reliance, within four weeks from today, exemption is granted for the present.
2. The application is disposed of.

CS(OS) 324/2022

3. Let the plaint be registered as a suit.
4. Issue summons to the defendant through all permissible modes. The written statement shall be filed within thirty days from the receipt of summons. Along with the written statement, the defendant shall also file an affidavit of admission/denial of the documents of the plaintiff.
5. Liberty is granted to the plaintiff to file replication to the written



statement within fifteen days from the receipt of the written statement. Along with the replication filed by the plaintiff, an affidavit of admission/denial of the documents of the defendant be filed by the plaintiff.

6. List before the Joint Registrar on 7th September, 2022 for completion of service and pleadings.

7. List before the Court on 17th November, 2022.

I.A. 8884/2022 (O-XXXIX R-1 &2 of CPC)

8. The present suit has been filed seeking partition and other ancillary reliefs.

9. Defendant is the sister of the plaintiff. The plaintiff works in the Ministry of Housing and Urban Affairs, Government of India. The defendant is married and lives with her husband in Andhra Pradesh.

10. The father of the parties, Late Shri Syed Wiqar Husain Jafri expired on 12th July, 2021 and his wife, Late Smt. Aziza Jafri predeceased him on 26th April, 2021. Both the parents died *intestate*. During their lifetime, the parents of the parties owned and possessed various movable and immovable properties, the details of which are provided in Schedules I to IV filed along with the plaint. Plaintiff and defendant are the only two legal heirs.

11. It is the case of the plaintiff that in May, 2022, a day prior to the death anniversary of their mother, the defendant visited the residence of the plaintiff and created nuisance, which caused embarrassment to the plaintiff and his family. The defendant has again threatened to visit the residence as well as the office of the plaintiff and create nuisance.

12. Issue notice.

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

14. Reply be filed within four weeks.



15. Rejoinder thereto, if any, be filed within two weeks thereafter.
16. The defendant has no legal right to tarnish the reputation of the plaintiff and create nuisance. If the defendant is not restrained from visiting the residence and office of the plaintiff, it will not be possible to ensure that the defendant does not create nuisance.
17. *Prima facie* case is made out on behalf of the plaintiff for grant of *ex parte* ad interim injunction.
18. Consequently, till the next date of hearing, (i) the defendant is restrained from visiting the office and residence of the plaintiff without permission of the Court; and, (ii) the parties are directed to maintain status quo with regard to title and possession of the suit properties mentioned in Schedules I and II filed along with the plaint.
19. Compliance report under Order XXXIX Rule 3 of the Code of Civil Procedure, 1908 be filed within three days.
20. List before the Court on 17th November, 2022.

AMIT BANSAL, J

MAY 31, 2022

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