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

+ CS(OS) 246/2019

MS. SALONEE PURI

..... Plaintiff

Through Ms.Jaya Goyal and Ms.Manpreet
Kaur, Advs.

versus

MS. SANJANA ROY CHOUDHURY & ANR.

..... Defendants

Through

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% **07.05.2019**

IA No. 6692/2019 (exemption)

Allowed subject to all just exceptions.

CS(OS) 246/2019

Let the plaint be registered as suit.

Issue summons to the defendants through ordinary process and speed post, returnable for 27.08.2019.

IA No.6690/2019

This application is filed under Order 39 Rules 1 and 2 CPC seeking ex parte injunction to restrain the defendants from transferring, alienating or dealing with the suit properties.

It is the case of the plaintiff that the father of the plaintiff and defendant No.1, namely, Sh.Sudarshan Malhotra died on 13.09.2006 intestate. He owned various assets including E-79, G.K.-I, New Delhi and a residential plot bearing No. 2036, Block No.C, Sushant Lok-I, Gurugram, Haryana. It is stated that an oral family statement took place on 06.09.2015



which has been acted upon by the parties. The property bearing No. E-240, Greater Kailash Part-I, New Delhi was sold by defendant No.2 and the sale proceeds were deposited in a joint account and defendant No. 1 purchased a flat i.e. Flat No.B-091, Westend heights, DLF City, Phase-I, Gurgaon. It is also stated that defendant No. 1 has now taken defendant No. 2, the mother with her to Gurgaon and is not allowing any other relative to meet defendant No.2. It is also stated that defendant No. 1 has withdrawn huge amount from the joint account in HDFC with any necessity.

The plaintiff apprehends that property dealers are visiting the property at E-79, G.K.-I, New Delhi to purchase the same. It is pleaded that as per the family settlement, the said property was to come to the plaintiff.

The plaintiff has made out a prima facie case. Balance of convenience is also in favour of the plaintiff. Parties are restrained from selling, alienating or transferring the above noted properties, namely, E-79, G.K.-I, New Delhi and plot bearing No. 2036, Block No.C, Sushant Lok-I, Gurugram, Haryana till further orders.

The plaintiff to comply with Order 39 Rules 3 CPC within three days.

Issue notice to the defendants through ordinary process and speed post, returnable for 27.08.2019.

A copy of this order be given dasti under the signatures of the Court Master.

IA No. 6691/2018

Issue notice to the defendants, returnable for 27.08.2019.

JAYANT NATH, J

MAY 07, 2019/rb