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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 335/2024**
VIPIN NARULA & ANR. Plaintiffs

Through: Ms.Neha Sareen, Adv.

versus

VIKAS NARULA Defendant

Through:

CORAM:
HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

% **ORDER**
30.04.2024

I.A. 9469/2024 (for exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

CS(OS) 335/2024

The present suit has been filed for partition. It has been submitted that the property no. B-277, Lok Vihar, Pitampura, Delhi admeasuring 150.55 sq. meters comprising Ground Floor, First Floor, Second Floor and Terrace was owned and occupied by late Sh.Ved Prakash Narula, father of the plaintiffs and the defendant. Late Sh.Ved Prakash Narula during his lifetime has executed a registered Will on 15.04.2011. The Will divides the suit property equally between the three sons i.e. the plaintiffs and the defendant. The plaintiffs state that the relations between the parties have become acrimonious and the defendant is not coming forward for the



partition of the suit property.

Let the plaint be registered as a suit.

Summons be issued to the defendant by all permissible modes, which shall indicate that the written statement must be filed within thirty days from the date of receipt of the summons.

The defendant is directed to file affidavit of admission/denial against the documents filed by the plaintiff, failing which the written statement shall not be taken on record.

The plaintiffs is at liberty to file replication thereto within fifteen days of filing of the written statement, which shall be accompanied by affidavit of admission/denial, in respect of the documents filed by the defendant, failing which the replication shall not be taken on record.

5. It is made clear that any unjustified denial of documents may lead to an order of costs against the concerned party.

6. Any party seeking inspection of documents may do so in accordance with the Delhi High Court (Original Side) Rules, 2018.

7. List before the Joint Registrar (Judicial) on 11.07.2024.

I.A. 9468/2024 (Order XXXIX R 1 and 2 CPC)

The present application has been filed under Order XXXIX Rules 1 and 2 CPC with the following prayer:

“to grant an ad-interim injunction, thereby ordering and directing the defendant, their servants, agents, successors, attorneys, associates and/or assignees to refrain from selling, alienating, transferring or creating any third-party interest, lien or charge etc. on the suit property bearing no. B-277, Lok Vihar, Pitampura, Delhi 110034.”

Issue notice to the defendant through all permissible modes,



returnable for 11.07.2024.

Learned counsel for the plaintiffs submits that the conveyance deed filed on record dated 27.08.1993 shows that late Sh.Ved Prakash Narula was the owner of the property. Copy of the Will has also been filed which divides the suit property equally amongst the plaintiffs and defendant i.e. all three sons. Ms.Kaushlya Narual wife of late Sh.Ved Prakash Narula had pre-deceased. Learned counsel for the plaintiffs submits that as there is 1/3rd undivided share in the suit property in favour of the defendants, there is an apprehension that they may create third party interest. The conveyance deed shows that late Sh.Ved Prakash Narula was the sole owner of the property. The Will also states that the property is divided equally amongst the parties.

In view of the facts, let the status quo in respect of the nature, title and possession of the suit property be maintained, till the next date of hearing.

List before the Joint Registrar (Judicial) on 11.07.2024.

DINESH KUMAR SHARMA, J

APRIL 30, 2024

rb /ht