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

+ **CS(OS) 384/2022**

ANURADHA

..... Plaintiff

Through: **Mr. Anil Bhasin, Advocate**

versus

PARVEEN & ORS.

..... Defendants

Through:

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

% **05.07.2022**

I.A.9945/2022 (Condonation of delay of 12 days in re-filing)

1. For the reasons stated in the application, the delay of 12 days in re-filing the suit is condoned.
2. The application is allowed.

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



Along with the replication filed by the plaintiff, an affidavit of admission/denial of the documents of the defendants, be filed by the plaintiff.

7. List before the Joint Registrar on 15th September, 2022, for completion of service and pleadings.

8. List before the Court on 28th November, 2022, for framing of issues.

I.A.9944/2022 (u/O-XXXIX R-1 & 2 of CPC)

9. Issue notice.

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

11. The present suit has been filed seeking relief of partition along with other ancillary reliefs in respect of the properties of Late Sh. Nihal Chand, father of the plaintiff and the defendants no. 2 to 4 and the husband of the defendant no.1. Details of the properties given in paragraph 12 of the plaint are as follows:

- (i) Property bearing no. 3C/ 27, Second Floor, New Rohtak Road, Near Liberty Cinema, New Delhi-110005
- (ii) Property bearing no. 14/3651, First Floor, Regarpura, Karol Bagh, New Delhi-110005
- (iii) Property bearing no. 37/3062, Third Floor, Beadon Pura, Karol Bagh, New Delhi-110005
- (iv) Property bearing Shop No. 16/3669, Ground Floor, Regarpura, Karol Bagh, New Delhi-110005
- (v) Property bearing no. 14/3648, First Floor to Fifth Floor, Regarpura, Karol Bagh, New Delhi-110005



12. All the aforesaid properties were purchased by Late Sh. Nihal Chand, who died intestate on 27th February, 2021, leaving behind five class-I legal heirs, i.e., the plaintiff and defendants.
13. A legal notice dated 27th July, 2021 was issued on behalf of the plaintiff to the defendants, seeking partition of the aforesaid properties. However, no reply thereto has been received.
14. Issue Notice.
15. Notice be issued to the defendants through all modes.
16. Reply be filed within three weeks.
17. Rejoinder thereto, if any, be filed within two weeks thereafter.
18. *Prima facie* case is made out on behalf of the plaintiff.
19. Consequently, status quo with regard to title and possession of the aforesaid properties shall be maintained till the next date of hearing.
20. Compliance report under Order XXXIX Rule 3 of the Code of Civil Procedure, 1908 (CPC) be filed within three days from today.
21. List before the Joint Registrar on 15th September, 2022, for completion of service and pleadings.
22. List before the Court on 28th November, 2022.

AMIT BANSAL, J.

JULY 05, 2022
dk