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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 399/2024 and I.A. 11011-14/2024**
SHIVANI GOEL & ORS. Plaintiffs
Through: Ms. Kanika Baweja, Adv.

versus

NITIN AGGARWAL & ANR. Defendants
Through: None.

CORAM:
JUSTICE PRATHIBA M. SINGH

ORDER
% **15.05.2024**

1. This hearing has been done through hybrid mode.

I.A. 11013/2024 (for exemption)

2. This is an application seeking exemption from filing originals/certified/cleared/typed or translated copies of documents, left side margins, electronic documents, etc. Original documents shall be produced/filed at the time of Admission/Denial, if sought, strictly as per the provisions of the Commercial Courts Act and the Delhi High Court (Original Side) Rules, 2018.

3. Exemption is allowed, subject to all just exceptions.

4. Accordingly, the application is disposed of.

I.A. 11014/2024 (for delay)

5. This is an application for condonation of delay. For the reasons stated in the application, the delay is condoned. Application is disposed of.

CS(OS) 399/2024

6. Let the plaint be registered as a suit.



7. Issue summons in the suit to the Defendants through all modes upon filing of Process Fee.
8. Let the written statement to the plaint be filed within 30 days. Along with the written statement, the Defendants shall also file an affidavit of admission/denial of the documents of the Plaintiff, without which the written statement shall not be taken on record.
9. Liberty is given to the Plaintiff to file replication within 15 days of the receipt of the written statement(s). Along with the replication, if any, filed by the Plaintiff, an affidavit of admission/denial of documents of the Defendants, be filed by the Plaintiff, without which the replication shall not be taken on record. If any of the parties wish to seek inspection of any documents, the same shall be sought and given within the timelines.
10. It is made clear that any party unjustifiably denying documents would be liable to be burdened with costs.

I.A. 11011/2024 (for stay) & I.A. 11012/2024

11. The Plaintiff- Ms. Shivani Goel and her two minor children Miss Rihanshi Aggarwal and Miss Myrah Aggarwal have filed the present suit against -Mr. Nitin Aggarwal who is stated to be the husband of the Plaintiff No.1. Ms. Shalini Mittal-Defendant No.2 is the sister-in-law of the Plaintiff and the Defendant No.1. The Plaintiffs vide the present suit are *inter alia* seeking reliefs of declaration, partition, possession and permanent injunction with respect to properties:

- (i) A-15, Mansarovar Park, Shahdara, Delhi-110032 (*hereinafter, 'Property-A'*), and
- (ii) One shop with loft on ground floor at Shop No. 2020-D, Khari Baoli, Delhi-110006 (*hereinafter, 'Property-B'*).



12. It is stated in the plaint that Plaintiff No.1 was married to the Defendant No.1 on 18th January, 2013. The matrimonial home was A-15, Mansarovar Park, Shahdara, Delhi-110032. The said Property-A was purchased in 2018 vide a Sale Deed dated 16th November, 2018. The property is stated to be in the joint name of Plaintiff No.1 and the Defendant No.1. However, according to the Plaintiff, the Defendant No. 1 indulged in extreme violence against the Plaintiff and her children and in 2023 forced the Plaintiffs out of Property-A.

13. It is further stated in the plaint that the property-one shop with loft on ground floor at Shop No. 2020-D, Khari Baoli, Delhi-110006 was purchased by Late Mr. Rishi Kumar Aggarwal who is the grandfather of the Defendants vide a Sale Deed dated 22nd November, 2004. However, due to the demise of Mr. Rishi Kumar Aggarwal, Property-B devolved to his legal heirs being-Mr. Mahesh Kumar Aggarwal, Ms. Rashmi Aggarwal and Mr. Nitin Aggarwal. Further, upon demise of Mr. Mahesh Kumar Aggarwal, the said property devolved to his legal heirs being-Mrs. Rashmi Aggarwal (wife), Mr Nitin Aggarwal (son) and Ms. Shalini Aggarwal (daughter).

14. It is claimed that vide a Will dated 29th June, 2021 Mrs. Rashmi Aggarwal transferred her entire inherited share in Property-B to the Plaintiffs. Property-B is stated to be utilised for the maintenance of the family.

15. According to the Plaintiff No.1 she is entitled to rent from the shop-Property B and also other compensation considering that she is joint owner of the properties listed. The Plaintiff claims that she has been forced to move out of her matrimonial home i.e. Property A due to extreme violence on behest of Defendant No.1.



16. Considering the nature of the matter, the Defendants shall maintain *status quo* in respect of title and possession and no third party interest shall be created.
17. It is also directed that an affidavit shall be filed by the Defendants as to who are the tenants in the properties listed as 'A' and 'B' above and what rent is being earned from them. Let summons be served *dasti* upon the Defendants.
18. Issue notice in both applications. Let reply be filed within four weeks. Rejoinder, thereto, be filed within two weeks.
19. Compliance of Order XXXIX Rule 3 CPC,1908 be done within a week.
20. List before the Joint Registrar on 15th July, 2024.
21. List before Court 5th September, 2024.

PRATHIBA M. SINGH, J.

MAY 15, 2024
dj/rks