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

+ **CS(OS) 148/2023 & I.A. 8501/2024**

SUNITA RANGA

.....Plaintiff

Through: Mr. Utsav Trivedi and Mr. Himanshu
Sachdeva, Advocates

versus

VIJAYINDER KUMAR & ORS.

.....Defendants

Through: Mr. Ashutosh Nagar and Mr. Kunal
Taneja, Advocates for D-1
Mr. Aviral Kapoor and Ms. Akshita
Phutela, Advocates for D-3

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+ **CS(OS) 441/2023, I.A. 13786/2023, I.A. 29995/2024, I.A.
32144/2024, I.A. 32527/2024 & I.A. 36922/2024**

SH. SUBHASH CHANDRA JARODIA

.....Plaintiff

Through: Mr. Vikramjeet Singh Ranga,
Advocate

versus

SH. VIJAYINDER KUMAR & ORS.

.....Defendants

Through: Mr. Ashutosh Nagar and Mr. Kunal
Taneja, Advocates for D-1

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **21.08.2024**

**I.A. 4263/2024 in CS(OS) 148/2023 (under Order XXXIX Rules 1 and 2
CPC for grant of Ad-interim ex-parte injunction)**

**I.A. 13786/2023 in CS(OS) 441/2023 (on behalf of the plaintiff under
Order XXXIX Rules 1 and 2 CPC for grant of Ad-interim, ex-parte
injunction)**

1. Arguments heard.



2. Learned counsel for defendant no. 1 states that the suit property has been mutated in favour of defendant no. 1 in the revenue records in furtherance of the gift deed dated 03.09.2021. He seeks one (1) weeks' time to place the said order of mutation on record. He states that the gift deed was executed in conformity with the bequest made by the registered Will dated 24.07.2017.
3. At this stage, learned counsel for defendant no. 1 states that defendant no. 1 is in exclusive physical possession of the suit property. He states that a Local Commissioner can be appointed to verify the said fact.
4. The plaintiff in CS(OS) 148/2023 fairly states that the plaintiff is only claiming constructive possession of the suit property by virtue of her claim of co-ownership. Further, learned counsel for Sh. Subhash Chandra Jarodia, plaintiff in CS (OS) 441/2023 as well states that he is claiming constructive possession of the suit property in view of the plea of co-ownership set up in the plaint.
5. In view of the statements of the plaintiffs Smt. Sunita Ranga and Sh. Subhash Chandra Jarodia recorded hereinabove it is apparent that defendant no. 1 i.e., Sh. Vijayinder Kumar is in actual physical possession of the suit property. The effect of the said fact, if any, will be considered at a subsequent stage.
6. In view of this admitted position, learned counsel for defendant no. 1 states that he does not press for prayer of appointment of Local Commissioner.
7. List on 12.09.2024.



CS(OS) 148/2023
CS(OS) 441/2023

8. List on 12.09.2024.

MANMEET PRITAM SINGH ARORA, J
AUGUST 21, 2024/msh/sk

Click here to check corrigendum, if any