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

+ **CS(OS) 440/2022**

JAG MOHAN VATS & ORS.

..... Plaintiffs

Through: **Mr. Manish Vats and Mr. Yogender Saini, Advocates**

versus

JAI BHAGWAN VATS & ORS.

..... Defendants

Through:

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

% **02.08.2022**

I.A. 12084/2022 (Exemption)

1. Subject to the plaintiffs filing the original of the documents on which the plaintiffs may seek to place reliance, within four weeks from today, exemption is granted for the present.
2. The application is disposed of.

I.A. 12085/2022 (delay 68 days re-filing)

3. For the reasons stated in the application, the application is allowed and the delay of 68 days in re-filing the suit is condoned.

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4. Let the plaint be registered as a suit.
5. Issue summons.
6. Summons be issued to the defendants through all modes. Summons shall indicate that 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 affidavit of admission/denial of the documents of the plaintiffs.

7. Liberty is given to the plaintiffs to file replication(s), if any, within fifteen days from the receipt of the written statement(s). Along with the replication(s) filed by the plaintiffs, affidavit of admission/denial of the documents of the defendants be filed by the plaintiffs.

8. List before the Joint Registrar on 14th September, 2022 for completion of service and pleadings.

9. List before the Court on 4th November, 2022.

I.A. 12083/2022 (O-XXXIX R-1 & 2 of the CPC)

10. The present suit has been filed seeking partition and other ancillary reliefs in respect of properties that belonged to the father of the plaintiffs and the defendant no.1 to 5, namely, late Sh. Bal Kishan Vats. The defendant no.6 is the wife of late Sh. Bal Kishan Vats. The immovable properties which form the subject matter of the suit are as under:

- A. Agricultural land bearing Khasra No. 36//24/2 (3-6) and 25/1 (1-15) situated in Village Mundka, New Delhi (hereinafter 'property A').
- B. The plot ad-measuring 1 Bigha bearing Khasra No. 546/1/1 (1-0) situated in extended Lal Dora Abadi of Village Mundka, New Delhi (hereinafter 'property B').
- C. Built up residential house, being House No.402 situated in the old Lal Dora Abadi of Village Mundka, New Delhi (hereinafter 'property C').

11. It is the case of the plaintiffs that the defendants no.2 to 6 have executed Relinquishment Deed dated 16th March, 2012 in respect of properties A and B in favour of the plaintiffs and the defendant no.1. The



said relinquishment deed has been filed on record. Reliance is also placed on the Khatoni to show that after the death of Sh. Bal Kishan Vatas, properties A and B have been mutated in the name of three plaintiffs and defendant no.1.

12. Issue notice.

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

14. Reply(ies) be filed within four weeks.

15. Rejoinder(s) thereto, if any, be filed within two weeks thereafter.

16. A *prima facie* case is made out on behalf of the plaintiffs. Consequently, till the next date of hearing, status quo with regard to title and possession shall be maintained in respect of the aforesaid properties.

17. Compliance under Order XXXIX Rule 3 of the Code of Civil Procedure, 1908 (CPC) be filed within five days.

AMIT BANSAL, J.

AUGUST 02, 2022

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