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

+ **CS(OS) 413/2024, I.A. 29448/2024**

RUPA SHARMA

..... Plaintiff

Through: Ms. Shalini Kaul, Mr. Chaman Lal
Choudhary, Ms. Ipsita Geer and
Mr. Parth Kaliya, Advts.

versus

DEEPAK KRISHAN TEWARI AND ANR.

..... Defendants

Through:

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

17.05.2024

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Present suit has been filed for declaration and permanent injunction with the following prayer:

(a) *Pass a decree declaring the so-called gift deed dtd 25th April 2024 executed by Defendant No.2 in favour of Defendant no. I, as null, void, illegal and fraudulent and not binding upon the property described in Schedule II hereunder;*

(b) *Pass a decree of permanent injunction restraining the Defendants, their men, agents, assigns or any person claiming through or under them from, in any manner interfering with the Plaintiffs peaceful possession and enjoyment of the property described in Schedule II hereunder or from evicting the Plaintifft herefrom;*

(c) *Pass a decree of permanent injunction restraining the Defendants, their men, agents, assigns or any person claiming through or under them from, alienating, selling, mortgaging, leasing, transferring or in any manner dealing with the property described in Schedule II hereunder;*

(d) *Awards costs of the suit;*



Let the plaint be registered as suit.

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

The defendants are 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 plaintiff is at liberty to file replications thereto, within fifteen days of filing of the written statements, which shall be accompanied by affidavits of admission/denial, in respect of the documents filed by the defendants, failing which the replications shall not be taken on record.

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

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

List before the Joint Registrar (Judicial) on 18.07.2024.

I.A. 29447/2024 (under Order XXXIX Rules 1 & 2 CPC)

Present application has been filed under Order XXXIX Rules 1 & 2 CPC with the following prayers:

- a) Pass an order of temporary injunction restraining the Defendants, their men, agents, assigns or any person claiming through or under them from, in any manner interfering with the Plaintiff's peaceful possession and enjoyment of the property described in Schedule II herein or from evicting the Plaintiff therefrom until disposal of the suit;*
- (b) Pass an order of temporary injunction restraining the Defendants, their men, agents, assigns or any person claiming through or under them from, alienating, selling, mortgaging,*



leasing, transferring or in any manner dealing with the property described in Schedule II herein until disposal of the suit;

Learned counsel for the petitioner submits that the order of *status quo* may be passed so that defendant no.1, who is intending to sell the entire property and usurp all the share of the plaintiff may not create any third-party interest. It is an admitted fact that late Sh. K.K.Tewari was the absolute owner of the property. He bequeathed the property to his wife/defendant no.2 Mrs. Sarla Tewari. Learned counsel submits that Mrs.Sarla Tewari entered into a development agreement with the builder and the understanding that it would be redeveloped in such manner that all the three i.e. the plaintiff and the defendants will get their equal shares. However, as of now Mrs.Sarla Tewari/defendant no.2, who has been bequeathed the property by her late husband is the owner of the property.

Issue notice to the defendants through all permissible modes, returnable before the court on 10.07.2024.

The parties are directed to maintain the *status quo* regarding the possession of the suit property bearing no. A6/12, Vasant Vihar, New Delhi, till the next date of hearing.

Compliance of Order XXXIX Rule 3 of CPC be made within 10 days.

I.A. 29445/2024 (ORDER II R 2 CPC) & I.A. 29446/2024 (ORDER VII R 14(2) CPC)

Issue notice to the defendants through all permissible modes, returnable before the Joint Registrar (Judicial) on 18.07.2024.

DINESH KUMAR SHARMA, J

MAY 17, 2024/rb/aj..