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

+ **CS (OS) 334/2020 & I.A. No. 10098/2020**

SMT. SHEELA DEVI & ANR.Plaintiffs
Through Ms. Richa Singh, Adv.

versus

SHRI MOHAN AGGARWAL & ORS.Defendants
Through None.

CORAM:
HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

% **05.11.2020**

[Court hearing convened via video-conferencing on account of COVID-19]

I.A. No. 10099/2020

1. Allowed, subject to just exceptions.

CS (OS) 334/2020 & I.A. No. 10098/2020

2. Ms. Richa Singh, who appears for the plaintiffs, says that plaintiff no.1 is in possession of the front portion of the ground floor and basement of the superstructure built on the parcel of land located at B-3/42-A, Yamuna Vihar, Delhi-110053 [in short "suit property"].

2.1 The plaintiffs claim 1/6th share in the suit property. The plaintiff no. 2 and defendant nos. 1 to 3 are the sons of plaintiff no. 1.

2.2 The defendant no. 4 is the daughter of plaintiff no. 1.

2.3 I am informed that the husband of plaintiff no. 1 expired on 23.01.2016.



2.4 It is claimed by the plaintiffs that an oral family arrangement was arrived at between the parties whereby the rent obtained from letting out of the suit property was made over to plaintiff no. 1 as maintenance after the death of her husband.

2.5 I am further informed that defendant no. 1 is residing on the first floor of the suit property while defendant no. 2 resides in the rear portion of the ground floor of the suit property.

2.6 Insofar defendant no. 3 is concerned, according to the plaintiffs, he is not in occupation of the suit property.

3. Accordingly, issue summons in the suit and notice in the captioned application to the defendants *via* all modes including e-mail.

4. In the meanwhile, the parties will maintain *status quo vis-a-vis* the possession, construction and title of the suit property.

5. List the matter on 04.02.2021.

6. The plaintiffs will comply with the provisions of Order XXXIX Rule 3 of the CPC within five days from today.

RAJIV SHAKDHER, J

NOVEMBER 05, 2020

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[Click here to check corrigendum, if any](#)