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

+ **CS(OS) 460/2021**

SUMAN SAWHNEY & ORS.

..... Plaintiffs

Through: Mr. Rajeev Verma & Mr. Dheeraj
Sharma, Advocates.

Ms. Geeta Luthra, Sr. Advocate with
Ms. Apoorva Maheshwari, Mr. Arun
Saxena & Ms. Simran Khurana,
Advocates for impleader-sisters.

versus

PANKAJ SAWHNEY

..... Defendant

Through: Mr. M.S. Khan, Advocate.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

25.05.2022

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I.A. 8377/2022 (U/o XXXIX Rule 2A of CPC)

1. This application has been filed under Order XXXIX Rule 2A of Civil Procedure Code, 1908 (*hereinafter referred to as 'CPC'*) by the plaintiffs for wilful disobedience of order dated 11th May, 2022 *vide* which, the defendant was directed not to block the plaintiffs' ingress and egress through the main gate and to the first floor of the property situated at Ground Floor 299, Ambika Vihar, New Delhi-110087.

2. Learned counsel for the defendant submits that the first floor is not in his possession but is in possession of his sisters. Also, 32he has video and documents to show that the ingress and egress through the main gate of the plaintiffs has never been restricted or obstructed. Ms. Geeta Luthra, learned



Senior Counsel, who appears through video conferencing, has submitted that she is representing the three sisters, namely, Ms. Chandra Kanta Sethi, Ms. Manju Suri and Ms. Madhu Goel, all are the daughters of late Sh. Bansi Lal Sawhney, who have not been impleaded as the party in the present partition suit.

3. It is also informed that an application under Order 1 Rule 10 of CPC has been filed, which is coming up before the learned Joint Registrar on 30th May, 2022. Moreover, a separate suit for partition has been filed, which is pending in Tis Hazari Court, Delhi.

4. Learned counsel for the respondent seeks some time to file the reply to the application under Order XXXIX Rule 2A of CPC.

5. Reply be filed within two four weeks with copy to counsel for the plaintiffs.

6. List on 25th August, 2022.

NEENA BANSAL KRISHNA, J

MAY 25, 2022

S.Sharma