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

+ **CS(OS) 471/2022**

KUSUM

..... Plaintiff

Through: Mr. Rohit Yadav and Mr. Neeraj
Yadav, Advocates.

versus

KARAN SINGH AND OTHERS

..... Defendants

Through: None.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

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08.08.2022

I.A. 12656/2022(for exemption)

1. Subject to the plaintiff filing certified copies of the documents and clear and legible copies of any dim document, upon which the plaintiff may seek to place reliance, within four weeks from today, exemption is granted for the present.
2. The application is disposed of.

CS(OS) 471/2022

3. Let the plaint be registered as a suit.
4. Issue summons in the suit through all modes.
5. The written statement(s) shall be filed within four weeks from the receipt of summons. Along with the written statements, the defendants shall also file an affidavit of admission/denial of the documents of the plaintiff.
6. Liberty is granted to the plaintiff to file replication to the written statement(s) within fifteen days from the receipt of the written statement(s).



Along with the replication filed by the plaintiff, an affidavit of admission/denial of the documents of the defendants, be filed by the plaintiff.

7. List before the Joint Registrar on 7th October, 2022, for completion of service and pleadings.

8. List before the Court on 9th December, 2022.

I.A. 12655/2022(O-XXXIX R-1 & 2 of CPC)

9. The present suit has been filed seeking relief of partition and permanent injunction. The plaintiff is the daughter of Late Sh. Sri Chand, who died *intestate* on 15th August, 2007, leaving behind the plaintiff and defendants no. 1 to 4 as Class-I legal heirs. The defendants no. 1 to 3 are the brothers of the plaintiff and defendant no. 4 is the sister of the plaintiff.

10. The Plaintiff seeks partition of the following properties, which belonged to the father of the plaintiff and the defendants :

- i. House. No.1, Gali No.1, Khasra no 37/2 110091 admeasuring 740 sq yards, Village Samaspur Jagir, Patparganj, Delhi-110091, admeasuring 740 sq yards; and
- ii. House No.15, Village Samaspur Jagir, Patparganj, Delhi-110091 admeasuring 640 sq yards.

11. Earlier, the defendants no. 1 to 3 had instituted a suit, CS No. 5496/2015 in Karkardooma Courts seeking relief of declaration and permanent injunction against the plaintiff and their father. The said suit was dismissed on the basis that the father was the owner of the Scheduled properties. The father of the plaintiff died intestate and therefore, the plaintiff and the defendants are all entitled to 1/5th share in the suit properties.



12. Issue notice.
13. Notice be issued to defendants through all modes.
14. Reply be filed within four weeks.
15. Rejoinder thereto, if any, before the next date of hearing.
16. *Prima facie* case is made out on behalf of the plaintiff. Consequently, till the next date of hearing, status quo with regard to title and possession shall be maintained in respect of the suit properties.
17. Compliance Report under Order XXXIX Rule 3 of the Code of Civil Procedure, 1908 (CPC) be filed within ten days.
18. List on 9th December, 2022.

AMIT BANSAL, J

AUGUST 8, 2022

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