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

+ **CS(OS) 315/2025 & I.A. 12515-12518/2025**

SUNITA MITTAL

.....Plaintiff

Through: Mr. Sanjeev Soni and Mr. Rishabh
Soni, Advs. with Mr. M.K. Mittal,
Husband of the plaintiff in person

versus

ASHA MITTAL AND ORS

.....Defendants

Through: None

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **16.05.2025**

I.A. 12517/2025 (for exemption)

1. This is an application filed by the plaintiff seeking exemption from filing original/certified copies of illegible and typed copy of handwritten document.
2. Plaintiff shall file the certified and legible copies of exempted documents, compliant with practice rules, before the next date of hearing.
3. The application for exemption is allowed, subject to the plaintiff granting inspection of the documents filed, as and when required to do so, or filing the original documents at the stage of admission/denial.
4. The application stands disposed of.

CS(OS) 315/2025

5. This is a suit filed for declaration, cancellation, mandatory and permanent injunction.

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6. This Court has perused the plaint and heard the submissions of the learned counsel for the plaintiff.

7. After some arguments, learned counsel for the plaintiff states that he does not wish to proceed against defendant nos. 9, 10, 11, 12 and 13. He states that the said defendants may be deleted from the array of parties.

8. He states that the defendant nos. 4 and 5 have been arrayed since they are attesting witnesses to the impugned release deed dated 21.03.2024. He states that similarly, defendant no. 7 and 8 have been impleaded as they are the attesting witnesses to the impugned sale deed dated 13.03.2025. He states that, however, defendant nos. 4, 5, 7 and 8 are not claiming any right, title or interest in the suit property. He states that defendant nos. 4, 5, 7 and 8 may also be deleted from the array of parties and the plaintiff reserves her right to pursue the criminal proceedings against defendant nos. 4, 5, 7 and 8.

9. He states that, in addition to the plaintiff, defendant no. 1 and defendant no. 2, late Smt. Ashoka Devi, Ms. Savita Aggarwal and Ms. Sunita Devi are also co-owners in the suit property. He states that he will take steps to implead Ms. Savita Agarwal and Ms. Sunita Devi. He states that Smt. Ashoka Devi has passed away and her share stands relinquished in favour of defendant no. 1.

10. He further states that there are clerical errors in the list of dates and events. He seeks one (1) week's time to file an amended plaint along with a fresh list of dates and events as well as an amended memo of parties in terms of the submission recorded today.

11. Learned counsel for the plaintiff states that defendant no. 12 was arrayed as a party so that interim orders passed in this Court can be duly implemented by the said authority. In this regard, this Court observes that

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for implementation of the interim orders the statutory authority need not be made party to the suit and the interim orders can be enforced with due intimation to the said authority.

12. On the oral request of the learned counsel for the plaintiff, defendant nos. 4, 5, 7, 8, 9, 10, 11, 12 and 13 are deleted from the array of parties.

13. The plaintiff's right to pursue criminal proceedings against defendant nos. 4, 5, 7 and 8 is hereby reserved.

14. The plaintiff is at liberty to array Ms. Savita Aggarwal and Ms. Sunita Devi as parties to this suit. An appropriate application along with the amended plaint be placed on record within one (1) week.

15. The plaintiff will produce the original sale deed dated 24.09.2011 for perusal on the next date of hearing.

16. Since, in this case, the issue of identity of the plaintiff and the co-owners is in serious dispute, the plaintiff is directed to place on record the photographs of the plaintiff and defendant no. 1 and defendant no. 2, Ms. Savita Aggarwal and Ms. Sunita Devi along with the amended plaint; duly accompanied with their identity cards.

17. List on **27.05.2025**.

MANMEET PRITAM SINGH ARORA, J

MAY 16, 2025/msh/MG

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

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