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

+ **CS(OS) 315/2025 & I.A. 14282/2025 I.A. 14283/2025**

SUNITA MITTAL

.....Plaintiff

Through: Mr. Sanjeev Soni and Mr. Rishabh
Soni, Advs

versus

ASHA MITTAL AND ORS

.....Defendants

Through: Mr. Amiet Andlay, Adv. for D-4

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **30.05.2025**

I.A. 14282/2025(application on behalf of plaintiff under Order VI Rule 17 of Section 151 CPC seeking amendment in the plaint)

1. Appropriate order already stands passed in this application on 29.05.2025 and it has already been disposed of.

I.A. 14283/2025(application under Order XXXIX Rule 1 and 2 CPC on behalf of plaintiff)

2. A detailed order has already been passed on 29.05.2025.

3. List before the learned Joint Registrar on 05.08.2025, the date already fixed.

4. List before Court on **28.10.2025**.

CS(OS) 315/2025

5. A perusal of the order dated 29.05.2025 shows that detailed interim injunction order was passed under Order XXXIX Rule 1 and 2 CPC. However, the I.A. No. referred to was incorrectly mentioned. The order was



passed in I.A. 14283/2025 and the said order erroneously refers to the I.A. 12515/2025. The clerical error is corrected and the corrected order shall read as under: -

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*IN THE HIGH COURT OF DELHI AT NEW DELHI
+ CS(OS) 315/2025 & I.A. 12515-12516/2025 I.A. 12518/2025
I.A. 14282-14283/2025

SUNITA MITTAL

.....Plaintiff

Through: Mr. Sanjeev Soni and Mr.
Rishabh Soni, Advs. along with
plaintiff in person

versus

ASHA MITTAL AND ORS

.....Defendants

Through: D-1 and D-2 in person
Mr. Amiet Andlay, Adv. for D-4

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% 29.05.2025

I.A. 14282/2025

1. This is an application under Order VI Rule 17 of the Code of Civil Procedure, 1908 ('CPC') filed by the plaintiff for amending the plaint consequent to deletion of parties.

2. Since the suit is at an initial stage, the application is allowed and the amended plaint along with amended memo of parties is taken on record.

3. With the aforesaid direction, this application is disposed of.

I.A. 12515/2025

4. Learned counsel for the plaintiff state that he seeks to withdraw this application as a fresh application I.A. 14283/2025 has been filed.

5. The application is dismissed as withdrawn.

I.A. 12516/2025

6. Learned counsel for the plaintiff states that since he has amended the plaint and dropped the official respondents, this application has become infructuous.

7. The application is dismissed as withdrawn.

CS(OS) 315/2025

8. This is a suit filed for declaration, cancellation, mandatory and permanent injunction *qua* H-2, South Extension, Part-I, New Delhi-110049, admeasuring about 200 Sq. Yards ['suit property'].



9. Defendant nos. 1 and 2 are present in Court. Defendant no. 1 is accompanied by her son, Mr. Deepak Mittal. He has interacted with the Court. He states that defendant nos. 1 and 2 will engage a counsel for purposes of these proceedings.

10. Defendant nos. 1 and 2 are directed to file their written statements within thirty (30) days. The defendants shall also file affidavit(s) of admission/denial of the documents filed by the plaintiff, failing which the written statement(s) shall not be taken on record.

11. Issue summons to defendant nos. 3 to 7 through all permissible modes after filing of process fee. Affidavit of service be filed within two (2) weeks.

12. The summons shall indicate that written statement(s) must be filed within thirty (30) days from the date of receipt of summons. The defendants shall also file affidavit(s) of admission/denial of the documents filed by the plaintiff, failing which the written statement(s) shall not be taken on record.

13. The plaintiff is at liberty to file replication(s) thereto within thirty days after filing of the written statement(s). The replication(s) shall be accompanied by affidavits of admission/denial in respect of the documents filed by the defendants, failing which the replication(s) shall not be taken on record.

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

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

16. List before the learned Joint Registrar (J) for completion of service and pleadings, marking of exhibits and admission/denial of documents on 05.08.2025.

17. List the matter before the Court on 28.10.2025.

I.A. 14283/2025(under Order XXXIX Rule 1 and 2 CPC)

18. This is an application filed under Order XXXIX Rule 1 and 2 CPC on behalf of the plaintiff seeking ad-interim injunction against defendant nos. 4 to 8, thereby restraining defendant nos. 4 to 8 from creating third-party rights qua the suit property and from dispossessing the plaintiff, defendant nos. 1 to 3 from the suit property.

19. Learned counsel for the plaintiff states that the plaintiff, defendant nos. 1, 2 and 3 and defendant nos. 7 and 8 are the co-owners of the suit property.

19.1. He states that initially defendant no. 4 was also a co-owner however, defendant no. 4 has gifted her share to defendant nos. 7 and 8.

19.2. He states that presently the suit property is a vacant plot of land bounded on all sides of the boundary walls. He states that the plaintiff has hired security guards as well as installed CCTVs at the suit property.



He states that the plaintiff is bearing the expenses towards the security guards and the CCTVs. He states that plaintiff has an apprehension that defendant nos. 5 and 6 will dispossess her in connivance with defendant nos. 7 and 8.

20. He states that the plaintiff is also making an oral prayer for appointment of Local Commissioner to verify plaintiff's possession and control over the suit property.

21. He states that the plaintiff, defendant nos. 1 and 2 are personally present in Court and he identifies them.

22. This Court has considered the submissions of the plaintiff.

23. Learned counsel for the plaintiff has also handed over the original title deed dated 24.09.2011 pertaining to the suit property, the photographs of the plaintiff, defendant nos. 1 and 2 appearing on the said sale deed corresponds with the persons who are present before this Court.

24. There is controversy with respect to title deed(s) as there is another title deed which is relied upon by defendant nos. 5 and 6 to claim ownership rights in the suit property. However, it is the contention of the plaintiff that the said title deed relied upon defendant nos. 5 and 6 is a forged document. He states that in the forged title deed the photographs of plaintiff, defendant nos. 1 to 4 do not match and those are photographs of imposters.

25. He relies upon the proceedings which transpired before this Court in CS(OS) 568/2024 titled **Smt. Sunita Mittal v. Asha Mittal and Others**, wherein according to the plaintiff herein, the said imposters had approached this Court for seeking an injunction.

26. Having perused the record, the original sale deed dated 24.09.2011 and having interacted with the plaintiff, defendant nos. 1 and 2, this Court is satisfied that the plaintiff, defendant nos. 1 and 2 appear to be genuine persons who have purchased the suit property vide sale deed dated 24.09.2011, which is in their custody.

27. So also, the conduct of the parties who approached this Court in CS(OS) 568/2024 was suspicious as despite a direction for appearance of the parties, the counsel could not produce them.

28. This Court therefore finds merit in the apprehension of dispossession expressed by the plaintiff.

29. In view of the above, *status quo* with respect to title and possession *qua* the suit property is hereby directed.

30. Ms. Shreya Mittal, Advocate [M. No. 9136407757, D-3861/2019, email: adv.shreyamittal@gmail.com], who is present in Court is appointed as the Local Commissioner to visit the suit property to verify the possession of the plaintiff in the suit property and file its report within two (2) weeks. The fees of the Local Commissioner are fixed at Rs. 1 lakh to be paid by the plaintiff.

31. The Local Commissioner is directed to visit the suit property tomorrow i.e., 30.05.2025 at 10:00 AM.



32. The SHO, Police Station - Kotla Mubarakpur, New Delhi is directed to provide assistance if so required.
33. Provisions of Order XXXIX Rule 3 of the Code of Civil Procedure, 1908 be complied within one (1) week from today.
34. List before the learned Joint Registrar (J) for completion of service and pleadings on 05.08.2025.
35. List the matter before the Court on 28.10.2025.
36. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of order shall be insisted by any authority/entity or litigant.

MANMEET PRITAM SINGH ARORA, J
MAY 29, 2025/hp/mt/MG”

6. The correction is highlighted in bold and italics.
7. List the matter before the Court on 28.10.2025.

MANMEET PRITAM SINGH ARORA, J
Click here to check corrigendum, if any

MAY 30, 2025/mt