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

+ **CS(OS) 432/2024**

INDERJIT KAUR

..... Plaintiff

Through: Mr. Raghav Sabharwal and Mr.
Abhishek Shandilya, Advocates.

versus

JAGMOHAN SINGH KATARIA & ORS.

..... Defendants

Through:

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

%

22.05.2024

I.A. 30128/2024

Exemption granted, subject to just exceptions.

Let requisite compliances be made within 01 week.

Application stands disposed-of.

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By way of the present suit, the plaintiff seeks a decree of declaration that she is the sole and exclusive owner of property bearing No. E-225, East of Kailash, First Floor, Front Portion, New Delhi ('subject property') in terms of Memorandum of Family Settlement dated 30.11.2016 ('Family Settlement') signed between the parties.

2. She further seeks a decree declaring that Gift Deed dated 21.06.2023 executed by defendant No.1 in favour of defendant No.2, is *void-ab-initio* and *non-est*.



3. The plaintiff also seeks a decree to the effect that re-vocation of Special Power of Attorney dated 16.05.2017 by way of a document titled 'Cancellation of Special Power of Attorney dated 17.04.2023' is *void-ab-initio* and *non-est* in law.
4. The plaintiff also seeks other consequential and ancillary reliefs.
5. Defendants Nos. 1 & 2 are respectively the father and the brother of the plaintiff; and defendant No.3 is the plaintiff's tenant, who is presently in occupation of the subject property.
6. Learned counsel appearing for the plaintiff draws attention of the court to the terms of Family Settlement dated 30.11.2016, to submit that the parties had signed this Family Settlement, pursuant to which the plaintiff became the sole and absolute owner of the subject property, but subsequently the defendants are attempting to divest the plaintiff of that status.
7. Copies of the documents in support of the claims made in the suit have been filed on record.
8. Upon a *prima-facie* conspectus of the matter, let the plaint be registered as a suit.
9. Issue summons in the suit.
10. Upon the plaintiff taking requisite steps within 10 days, let summons be sent to the defendants by all permissible modes, returnable for the next date before the learned Joint Registrar.
11. Let the summons indicate that the defendants are required to file written statement(s) to the plaint within 30 days from the date of receipt of summons, alongwith affidavit of admission/denial of the documents filed by the plaintiff. The plaintiff may file replication(s)



to the written statement within 30 days thereafter, alongwith affidavit of admission/denial of the documents filed by defendants.

12. List before the learned Joint Registrar for completion of pleadings, for admission/denial of documents and marking of exhibits on 12th August 2024.
13. List before court thereafter.

I.A. 30127/2024

14. By way of the present application filed under Order XXXIX Rules 1 & 2 read with section 151 of the Code of Civil Procedure 1908 ('CPC'), the plaintiff seeks an order restraining the defendants from selling/alienating/dispossessing or creating any third party rights or interests in the subject property.
15. Issue notice.
16. Upon the plaintiff taking steps within 10 days, let notice be sent to the defendants by all permissible modes, returnable for the next date before the learned Joint Registrar.
17. Let the notice indicate that reply to the application be filed within 30 days of service; rejoinder thereto, if any, be filed 30 days thereafter; with copies to the opposing counsel.
18. In view of the averments contained in the application; considering the nature of the claim in the suit; and on a *prima-facie* appreciation of the matter, the defendants are directed to maintain *status-quo* as to title and possession of property bearing No. E-225, East of Kailash, First Floor, Front Portion, New Delhi.
19. Plaintiff is directed to comply with the provision of Order XXXIX Rule 3 CPC, within 10 days.



20. List before the learned Joint Registrar for completion of pleadings in this application on 12th August 2024.
21. List before court after completion of pleadings in this application.

ANUP JAIRAM BHAMBHANI, J

MAY 22, 2024
V.Rawat