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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 435/2024**
MRS SWEETY SADANA & ANR.Plaintiffs
Through: Ms. Urvashi Singh, Adv.

versus

MRS CHAND ANAND & ORS.Defendants
Through:

CORAM:
HON'BLE MR. JUSTICE VIKAS MAHAJAN

% **ORDER**
23.07.2024

CS(OS) 435/2024

1. The plaint be registered as a suit.
2. On filing of process fee, summons be issued to the defendants by all permissible modes.
3. The summons shall indicate that written statement must be filed within thirty days from the date of receipt of summons. The defendants shall also file an affidavit of admission/denial of the documents filed by the plaintiff, failing which the written statement shall not be taken on record.
4. The plaintiffs are at liberty to file replication thereto within thirty days after filing of the written statement. The replication shall be accompanied by affidavit of admission/denial in respect of the documents filed by the defendants, failing which the replication shall not be taken on record.
5. It is made clear that any unjustified denial of documents may lead to an order of costs against the concerned party.



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

7. List before the learned Joint Registrar for completion of service, pleadings, admission/denial of documents and marking of exhibits on 26.09.2024.

8. List before Court after completion of pleadings on 24.10.2024.

I.A.30172/2024 (under Order XXXIX Rules 1 and 2 read with Section 151 CPC for stay)

9. Issue notice to the defendants by all permissible modes.

10. The present suit has been filed seeking partition, possession, declaration, rendition of account, *mesne* profits, permanent and mandatory injunction with regard to the movable and immovable properties.

11. The learned counsel for the plaintiffs submits that plaintiffs are the daughters of Late Dharam Vir Anand. The defendant no.1 is the mother of the plaintiffs and the defendant no.2 is their brother. The defendant no.3 is the wife of defendant no.2 and the defendant no.4 is the minor son of defendant no.2.

12. She submits that the properties enumerated in sub-paras (a) to (e) of para 3 are immovable properties which were owned by Late D.V. Anand and the properties mentioned at sub-paras (f) to (i) are movable assets of Late D.V. Anand, whereas the properties mentioned at sub-paras (j) to (n) were purchased in the name of defendant nos. 3 and 4 with the amount withdrawn from the joint bank account of Late D.V. Anand by the defendant no.2.

13. She submits that being the daughters of Late D.V. Anand, the plaintiffs have a share in the immovable, as well as, in the movable assets of



Late D.V. Anand.

14. She further contends that other properties which have been purchased from the amount withdrawn from the joint account of Late D.V. Anand are also HUF properties in which the plaintiffs, being daughters of *karta* Late D.V. Anand have a share.

15. She submits that the plaintiffs have repeatedly requested the defendants to partition the suit properties, however, all such requests have not been acceded to by the defendants.

16. She submits that the plaintiffs have learnt about a possibility of dissipation of assets of their Late father by the defendants.

17. Having regard to the fact that the plaintiffs are the daughters of deceased, who would ordinarily be entitled to share in the estate of Late D.V. Anand, I am of the view that the plaintiffs have made out a *prima facie* case for grant of limited *ad interim* order of *status quo* with regard to the immovable properties enumerated in sub-paras (a) to (e) of para 3 and movable assets enumerated in sub-paras (f) to (i) of para 3 which were owned by Late D.V. Anand.

18. The balance of convenience is also in favour of the interim order of the *status quo* being granted. I am satisfied that the plaintiffs will suffer an irreparable loss and injury if third party interests are created by the defendants in the aforesaid suit properties before the next date.

19. The parties are, therefore, directed to maintain *status quo* as regard to the title and possession of the immovable properties enumerated in paras 3(a) to (e), as well as, *status quo* with regard to the movable assets as enumerated in para 3 (f) to (i), till the next date.

20. Provisions of Order XXXIX Rule 3 CPC be complied with *qua* the



defendants within one week from today and affidavit of compliance be filed within a period of three days thereafter.

21. Defendants may file replies to the application within four weeks on receipt of notice. Rejoinder thereto, if any, be filed within a period of two weeks thereafter.

22. List before the learned Joint Registrar for completion of service and pleadings on 26.09.2024.

23. List before Court on 24.10.2024.

I.A. 30173/2024 (under Order XI, Rule 1 and Section 151 CPC)

24. Issue notice to the defendants by all permissible modes, returnable on 24.10.2024.

25. Replies to the application be filed within a period of four weeks. Rejoinder thereto, if any, be filed within a period of two weeks thereafter.

VIKAS MAHAJAN, J

JULY 23, 2024/dss