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

+ CS(OS) 440/2024
ANIL VIJAY LAL

..... Plaintiff

Through: Mr. Ankur Singhal, Mr. Raghav
Gupta, Advocates.

versus

ANITA LAL & ORS.

..... Defendants

Through:

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% 24.05.2024

I.A. 30236/2024 (for exemption)

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.

The application stands disposed of.

CS(OS) 440/2024

1. The plaint be registered as a suit. Issue summons to the defendants by all permissible modes, on filing of process fee. *Dasti* service in addition is permitted. Affidavit of service be filed within one week.
2. The summons shall indicate that written statements must be filed within thirty days from the date of receipt of summons. The defendants shall also file affidavits of admission/denial of the documents filed by the plaintiff, failing which the written statements shall not be taken on record.
3. The plaintiff is at liberty to file replications thereto within thirty



days after filing of the written statements. The replications shall be accompanied by affidavits of admission/denial in respect of the documents filed by the defendants, failing which the replications shall not be taken on record.

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

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

6. List before the Joint Registrar for completion of service and pleadings, admission/denial of documents and marking of exhibits, on 01.08.2024.

7. List before the Court on 24.09.2024.

I.A. 30235/2024 (for ad-interim injunction)

1. Issue notice. Notice may be served upon the defendants by all permissible modes. *Dasti* service, in addition, is permitted. Affidavit of service be filed within one week.

2. The plaintiff seeks partition of three properties held jointly by him and the defendants.

3. The defendants are the legal heirs of the plaintiff's two deceased brothers.

4. The first property consists of a part of property No. S-277, Greater Kailash, Part-II, New Delhi – 110048, which have been described in the plaint to comprise of the *Barsati* floor and the second floor of the said property. The plaintiff has annexed copies of sale deeds dated 14.12.1988 and 27.01.1989, showing sale of certain portions of this property by the erstwhile owners to the plaintiff and his two brothers.



5. The second property is described in the plaint as property No. 313, Amar Jyoti, Western Kachari Road, Meerut, Uttar Pradesh. In connection with this property, the plaintiff has placed on record a sale deed dated 21.10.1957, by which the said property was purchased jointly by the plaintiff's maternal grandmother – late Smt. Phool Mati Jain, and his mother – late Smt. Sarla Kanta Lal. It is stated in the plaint that upon the death of Smt. Phool Mati Jain, her only legal heir was Smt. Sarla Kanta Lal. A Will of Smt. Sarla Kanta Lal dated 03.09.1998 has also been placed on record, in which it is stated that she inherited her mother's share of this property by virtue of a Will dated 20.10.1986. By the Will dated 03.09.1998, Smt. Sarla Kanta Lal bequeathed the aforesaid property to her three sons, being the plaintiff and the predecessors-in-interest of the defendants.

6. The third suit property is described in the plaint as Khasra No. 89/1 Village Pargana, Rithani, Meerut, Uttar Pradesh. In connection with this property, the plaintiff has filed revenue records showing the name of the plaintiff and one of his brothers – Mr. Arvind Vijay Lal, as the owners of the property. Mr. Arvind Vijay Lal died on 14.10.2016 and is survived by his wife and daughter, being defendant Nos. 1 and 2, respectively.

7. The plaintiff thus claims 1/3rd share in the first and second suit properties, and 1/2 share in the third suit property.

8. Mr. Ankur Singhal, learned counsel for the plaintiff, seeks an *ad interim* order of *status quo* with regard to title and possession of the suit properties.

9. Having regard to the documents mentioned above, I am of the view that the plaintiff has made out a *prima facie* case in his favour. The



balance of convenience is also in favour of an interim order been passed. I am satisfied that the plaintiff would suffer irreparable loss and injury, if third-party interests are created in the suit properties at this stage.

10. For the aforesaid reasons, until the next date of hearing, the parties are directed to maintain *status quo* with regard to tile and possession of the suit properties mentioned in prayers ‘a’ and ‘c’ of the plaint.

11. Provisions of Order XXXIX Rule 3 of the Code of Civil Procedure, 1908, be complied with within one week from today, and affidavit of compliance be filed within one week thereafter.

12. The defendants will be at liberty to apply for variation, vacation or modification of this order, if necessary.

13. Replies to the application may be filed within four weeks. Rejoinder thereto, if any, may be filed within two weeks thereafter.

14. List on 24.09.2024.

PRATEEK JALAN, J

MAY 24, 2024
“Bhupi”/