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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 491/2021**
AMERJIT KAUR MASONPlaintiff
Through: None.

versus

MR. RAJINDER SINGH OBHRAI & ORS.Defendants
Through: Mr. Gaurav Bhardwaj, Ms. Garima
Bhardwaj, Mr. Rahul Kumar Verma,
Mr. Pranut Sharma and Mr. Rahul
Bhati, Advocates for D-1 to D-4

CORAM:
HON'BLE MR. JUSTICE VIKAS MAHAJAN

% **ORDER**
30.08.2024

I.A. 36264/2024 (exemption)

1. Allowed, subject to all just exceptions.

I.A. 36265/2024 (condonation of delay)

2. For the reasons mentioned in the application, delay in filing Original Appeal is condoned.

3. The application is disposed of.

OA 136/2024 in CS(OS) 491/2021 & I.A. 36263/2024 (filed by the appellants under Section 151 CPC seeking stay of impugned order dated 31.05.2024)

4. The present OA has been filed by the defendant no. 1, 2 & 3 under Chapter-II Rule 5 of Delhi High Court (Original Side), Rules 2008 against



the order dated 31.05.2024 passed by the learned Joint Registrar whereby the defendant nos. 1 to 2 have been directed to produce a copy of the sale deed pertaining to property bearing no. F-4, Kirti Nagar, New Delhi and disclose the sale proceeds of the sale transaction of the said property.

5. Learned counsel appearing on behalf of the appellants/defendants submits that the plaintiff herself has relied upon the Will dated 08.03.2021 executed by late Balwant Kaur Oberoi, which makes a reference to the sale deed dated 19.09.1966 *vide* which the property bearing no. F-4, Kirti Nagar, New Delhi was purchased.

6. He further invites the attention of the Court to the said sale deed dated 19.09.1966 which shows the aforesaid property was purchased by late Balwant Kaur Oberoi along with three sons, namely, Rajinder Singh Oberoi, Jaspal Singh Oberoi and Jasmeet Singh Oberoi, in equal share. He submits that subsequently late Balwant Kaur Oberoi bequeathed her one-fourth share in the said property to her said three sons.

7. In this backdrop, the submission of learned counsel is that no direction could have been given by the learned Joint Registrar to defendant nos. 1 and 2 to produce the sale deed and to disclose the sale proceeds of the sale transaction with regard to the said property, as the plaintiff never had a share in the said property.

8. In view of the above, issue notice to the plaintiff/respondent by all permissible modes returnable on 03.12.2024.

9. Let reply to the appeal be filed within a period of four weeks. Rejoinder thereto, if any, be filed within a period of two weeks from today.

10. Renotify on 03.12.2024.



11. In the meanwhile, the operation of order dated 31.05.2024 shall remain stayed, till the next date of hearing.

VIKAS MAHAJAN, J

AUGUST 30, 2024

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