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

+ **CS(OS) 501/2022**

**VIPLA SINGH AHLUWALIA THROUGH ATTORNEY HOLDER
SH JASVINDER SINGH** Plaintiff

Through: Mr. Manu Nayar with Mr. Jaideep
Singh, Ms. Samvartika Pathak and
Mr. Nitin Kumar, Advocates.

versus

DINESH SHARMA & ORS. Defendants

Through: None.

**CORAM:
HON'BLE MR. JUSTICE AMIT BANSAL**

ORDER
29.08.2022

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CS(OS) 501/2022

1. Let the plaint be registered as a suit.
2. Issue summons in the suit through all modes.
3. The written statement(s) shall be filed within thirty days from the receipt of summons. Along with the written statement(s), the defendants shall also file an affidavit of admission/denial of the documents of the plaintiff.
4. Liberty is granted to the plaintiff to file replication to the written statement(s) within fifteen days from the receipt of the written statement(s). Along with the replication filed by the plaintiff, an affidavit of admission/denial of the documents of the defendants, be filed by the plaintiff.



5. List before the Joint Registrar on 16th November, 2022 for completion of service and pleadings.

6. List before the Court on 2nd February, 2023 for framing of issues.

I.A. 13647/2022 (O-XXXIX R-1& 2 of CPC)

7. The present suit has been filed seeking relief of partition along with other ancillary reliefs.

8. The plaintiff and the defendants no.1 and 5 are the children of Late Shri Dina Nath Sharma, whereas the defendants no.2 to 4 are the legal heirs of Late Shri Neeraj Sharma, who was also one of the children of Late Shri Dina Nath Sharma.

9. The plaintiff along with her family migrated to Canada in 2007 and has been living there ever since. The father of the plaintiff expired on 21st June, 2013 and her mother expired on 15th January, 2014.

10. It is the case of the plaintiff that her father had executed a Will in his lifetime and bequeathed the property bearing no.7/180, Geeta Colony, Delhi-110031 to all his children equally.

11. Issue notice.

12. Notice be issued to the defendants through all modes.

13. Reply be filed within four weeks.

14. Rejoinder thereto, if any, be filed within two weeks thereafter.

15. A *prima facie* is made out on behalf of the plaintiff.

16. Consequently, till the next date of hearing, status quo with regard to title and possession shall be maintained in respect of the aforesaid property.

17. Compliance under Order XXXIX Rule 3 of the Code of Civil Procedure, 1908 (CPC) be done within five days.

18. List before the Joint Registrar on 16th November, 2022 for completion



of service and pleadings.

19. List before the Court on 2nd February, 2023.

I.A. 13648/2022 (O-XX R-12 of CPC)

20. Issue notice.

21. Notice be issued to the defendants through all modes.

22. Reply be filed within four weeks.

23. Rejoinder thereto, if any, be filed within two weeks thereafter.

24. List before the Joint Registrar on 16th November, 2022 for completion of service and pleadings.

25. List before the Court on 2nd February, 2023.

AMIT BANSAL, J.

AUGUST 29, 2022
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