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

+ **CS(OS) 516/2022**

MANOJ MAVI AND ORS Plaintiffs
Through: Mr.Rama Shankar, Advocate.

versus

RAJESWATI AND ORS Defendants
Through: None.

CORAM:
HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

% **02.09.2022**

I.A.14098/2022 (for exemption)

1. Subject to the plaintiffs filing the original/certified copies of the documents on which the plaintiff may seek to place reliance, within four weeks from today, exemption is granted for the present.

2. The application is disposed of.

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3. Let the plaint be registered as a suit.

4. Issue summons to the defendants through all modes. The summons shall indicate that 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 affidavit of admission/denial of the documents of the plaintiffs.

5. Liberty is given to the plaintiffs to file replication(s), if any, within thirty days from the receipt of the written statement(s). Along with the



replication(s) filed by the plaintiffs, affidavit of admission/denial of the documents of the defendants be filed by the plaintiffs.

6. List before the Joint Registrar on 18th November, 2022 for completion of service and pleadings.

7. List before the Court on 15th February, 2023.

I.A. 14097/2022 (O-XXXIX R-1 & 2 of CPC)

8. The present suit has been filed seeking relief of partition and other ancillary reliefs.

9. The plaintiffs are the sons and daughter of late Mr. Raja Mavi and Ms. Satyawati (second wife). Defendant no.1 is the first wife of late Mr. Raja Mavi. Defendants no.2 to 4 are the children from the first wife and the defendants no.5 and 6 are children from Ms. Anita Bisht (third wife).

10. It is stated that Mr. Raja Mavi died *intestate* on 22nd October, 2021 leaving behind properties described in paragraph 5 of the plaint (suit properties). The plaintiffs together claim 4/10th share in the aforesaid properties. Plaintiffs also submit that they are in part possession of the aforesaid properties.

11. Counsel for the plaintiffs submits that the defendants are attempting to create third party rights in the suit properties.

12. Issue notice.

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

14. Reply(ies) be filed within four weeks.

15. Rejoinder(s) thereto, if any, be filed within two weeks thereafter.

16. A *prima facie* case is made out on behalf of the plaintiff. Consequently, till the next date of hearing, status quo with regard to title and possession shall be maintained in respect of the properties detailed in



paragraph 5 of the plaint.

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

18. List on 15th February, 2023.

AMIT BANSAL, J

SEPTEMBER 2, 2022

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