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

+ CS(OS) 393/2020

I.A.11549/2020 (under Order XXXIX Rule 1 and 2 CPC)

AMITA KISHORE MANSUKHANI

..... Plaintiff

Represented by: Mr.Abhimanyu Mahajan, Advocate
with Mr.Sarthak Mehrotra, Mr.Abhay
Anturkar, Ms.Anubha Goel,
Ms.Surbhi Kapoor, Mr.Mayank Joshi,
Advocates.

versus

VIKRAM KRISHNA & ORS.

..... Defendant

Represented by: None.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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07.12.2020

The hearing has been conducted through video conferencing.

CS(OS) 393/2020

I.A. 11549/2020 (under Order XXXIX Rule 1 and 2 CPC)

1. Complaint be registered as a suit.
2. Issue summons in the suit and notice in the application to the defendants on the plaintiff taking steps through Email, SMS, Whatsapp, Speed Post and Courier, returnable before the learned Joint Registrar for completion of service, pleadings and admission-denial of documents on 8th February, 2021.
3. Written statements to the suit and reply affidavits to the application along with the affidavits of admission-denial will be filed within thirty days.



Replication and rejoinder affidavit along with the affidavit of admission-denial within three weeks thereafter.

4. List the suit and application before Court on 13th May, 2021.

5. The present suit has been filed by the plaintiff impleading her brother, the two sisters and the mother as defendant No. 1, defendant Nos. 2 & 3 and defendant No. 4 respectively, inter alia, seeking a decree of partition, permanent injunction and rendition of accounts in respect of her share in the HUF properties. Case of the plaintiff is that the plaintiff was born on 26th April, 1958 and became a coparcener in Col. Jai Krishna HUF in accordance with the Hindu Succession Act, 2005. In respect of the immoveable suit property i.e. Green Woods Farm at M.G. Road, Chattarpur, Mehrauli, New Delhi admeasuring 20 bighas and 6 biswas bearing khasra Nos. 74/24/2, 76/10, 77/3/2, 77/4, 77/7, 77/8/1, 77/13/2, 77/14, 77/17, 77/6, plaintiff claims that since Col. Jai Krishna passed away on 22nd August, 2002 leaving behind his Will dated 4th May, 2002, whereby, he bequeathed all his assets in faovur of his wife- defendant No. 4, the share of the father would devolve on the mother, consequently, on the partition of the HUF property, the mother would be entitled to 2/6th share, however, the plaintiff would be entitled to 1/6th share in terms of the decision of the Supreme Court reported as 2020 SCC Online SC 641 Vineeta Sharma Vs. Rakesh Sharma.

6. Considering the claim of the plaintiff and that the suit property is required to be preserved pending decision in the application, parties are directed to maintain status quo as to the title and possession in respect of the suit property and no third party rights will be created therein till the next date of hearing before this Court.

7. Compliance under Order XXXIX Rule 3 CPC be done within one



week.

8. Copy of the order be uploaded on the website of this Court.

DECEMBER 07, 2020
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MUKTA GUPTA, J.