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

+ **CS(OS) 414/2019**

MR. DILBAGH RAI KOCHHAR Plaintiff
Through Mr.Daman Popli, Adv.

versus

MR. SUNIL KOCHHAR & ORS. Defendant
Through

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% **14.08.2019**

IA No.11101/2019 (exemption)

Allowed subject to all just exceptions.

IA No.11100/2019 (exemption)

This application is filed seeking exemption from compliance of section 80 CPC.

For the reasons stated in the application same is allowed.

CS(OS) 414/2019

Let the plaint be registered as suit. Issue summons to the defendants by speed post and ordinary process, returnable for 12.12.2019.

IA No.11099/2019

Issue notice to the defendants by speed post and ordinary process, returnable for date fixed above.

This is an application under Order 39 Rule 1 and 2 CPC seeking injunction to restrain the defendants from selling, alienating, transferring or parting with possession of the suit property. Other connected reliefs are also sought.



The accompanying suit is filed for a decree of possession by way of partition of the suit property C-23, Amar Colony Market, Lajpat Nagar-IV, New Delhi by metes and bounds with separate possession of the respective share i.e. 1/5th of each of plaintiff and defendants No.1 to 4.

It is stated that the property belonged to Late Shri Kuldeep Rai Kochhar. He died on 22.3.2012 and is survived by parties to the suit, namely, plaintiff and defendants No.1 to 3 who are the sons of late Shri Kuldeep Rai Kochhar. He is also survived by his widow/defendant No.4. It is also stated that earlier the plaintiff had filed a suit in 2017 which was permitted to be withdrawn with liberty to file a fresh suit. It is also stated that defendant No.1 is falsely claiming that late Shri Kuldeep Rai Kochhar had executed a Will dated 21.8.2012. It is stated that the Will is false, procured and a manipulated document.

Plaintiff has made out a prima facie case. Parties shall maintain status quo regarding title and possession of the suit property till further orders.

Plaintiff to comply with provisions of Order 39 Rule 3 CPC within five days from today.

JAYANT NATH, J

AUGUST 14, 2019

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