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

+ **CS(OS) 531/2022**

RITA KALRA

..... Plaintiff

Through: Mr. Arjun Mitra and Mr. Sarfaraz
Ahmad Advocates.

versus

HARVINDER SINGH KALRA & ORS.

..... Defendants

Through: None.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

% **05.09.2022**

I.A. 14335/2022(for exemption)

1. Subject to the plaintiff filing legible copies of any document 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.

I.A. 14336/2022 (for exemption)

3. For the reasons stated in the application, the application is allowed.
4. The application stands disposed of.

I.A. 14334/2022(for exemption)

5. The plaintiff is permitted to place on record the CD filed along with the plaint.
6. The application stands disposed of.

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7. Let the plaint be registered as a suit.
8. Issue summons in the suit through all modes.
9. 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.

10. Liberty is granted to the plaintiff to file replication to the written statement(s) within thirty 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.

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

12. List before the Court on 22nd February, 2023.

I.A. 14333/2022(O-XXXIX R-1 & 2)

13. The plaintiff, the defendant no. 1 and 2 are siblings, being the children of Late Sh. Sewa Singh and Late Smt. Mahender Kaur. The defendants no.3 and 4 are the daughters of the defendant no.1.

14. By way of the present suit, the plaintiff seeks partition of the property bearing No. M-92, Greater Kailash, Part II, New Delhi-110084 (suit property). The suit property was jointly owned by the parents of the plaintiff, defendant no.1 and 2. The father, Sh. Sewa Singh died on 6th January, 1994 leaving behind a Will dated 9th September, 1993, in terms of which, the suit property was bequeathed in equal shares in favour of his Class I legal heirs. Accordingly, the mother of parties, Smt. Mahender Kaur acquired 62.5% share in the suit property. The mother, Late Smt. Mahender Kaur also executed a Will dated 4th November, 2018, which was recorded on video and in terms of the said Will, she bequeathed her entire share in the suit property to the plaintiff. Subsequently, on 28th December, 2020, another



Will was executed by Late Smt. Mahender Kaur, which was also videographed and in terms of which, the entire suit property was bequeathed on the plaintiff. Smt. Mahender Kaur died on 1st February, 2022. In view of the Will dated 28th December, 2020 executed by Smt. Mahender Kaur, the plaintiff claims 75% share in the suit property.

15. The defendant no.1 has also propounded a Will of 2019 executed by Late Smt. Mahender Kaur, in terms of which, the suit property was bequeathed in favour of the defendant no.1. Acting in pursuance of the said Will, the defendant no.1 had executed a gift deed in respect of the suit property in favour of his children, the defendants no.3 and 4.

16. Issue notice.

17. Notice be issued to the defendants.

18. Reply be filed within four weeks.

19. Rejoinder thereto, if any, be filed before the next date of hearing.

20. 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 suit property.

21. Compliance Report under Order XXXIX Rule 3 of the Code of Civil Procedure, 1908 (CPC) be filed within 5 days.

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

23. List on 22nd February, 2023.

AMIT BANSAL, J

SEPTEMBER 5, 2022

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