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

+ **CS(OS) 424/2019**

KANWALJEET KAUR TREHAN & ANR. Plaintiffs
Through Mr. Shyel Trehan and Mr. Kshitij Dua,
Advs.

versus

INDERJIT SINGH BHUSRI & ANR. Defendants
Through

CORAM:
HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% **21.08.2019**

IA No. 11373/2019 (exemption)

Allowed subject to all just exceptions.

CS(OS) 424/2019

Let the plaint be registered as a suit.

Issue summons to the defendants through ordinary process and speed post, returnable for 10.12.2019. Service may also be affected through e-mail.

IA No. 11372/2019

This application is filed under Order 39 Rules 1 & 2 CPC seeking ex parte injunction to restrain defendant No.1 from selling, mortgaging or parting with possession of the suit property till the disposal of the suit.

The accompanying suit is filed seeking a decree of declaration that the gift deed dated 12.10.2017 is invalid. The plea of the plaintiff is that defendant No. 1 is the brother and defendant No. 2 is the mother of the



plaintiff. It is stated that a family settlement was executed in 1985 based on which an arbitral award was also passed. In terms of the said Award, defendant No.1 relinquished his claim in the suit property, namely, S-485, Greater Kailash II, New Delhi. However, other reliefs were taken by defendant No. 1 pursuant to the family settlement/arbitral award including a sum of Rs. 1.32 crores. It is now pleaded that it came to the knowledge of the plaintiff that defendant No.1 has coerced his mother/defendant No. 2 to execute the gift deed dated 12.10.2017 which is contrary to the family settlement/arbitral award. It is stated that at the time of execution of the gift deed, defendant No.2 was 94 year old and was coerced to take the necessary steps. Hence, the present suit.

The plaintiff has made out a prima facie case. The plaintiff and defendant No.1 shall maintain status quo regarding the title and possession of the suit property till further orders.

Issue notice to the defendants through ordinary process and speed post, returnable for 10.12.2019.

The plaintiff to comply with Order 39 Rule 3 CPC within 7 days.

JAYANT NATH, J

AUGUST 21, 2019

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