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

+ **CS(OS) 360/2025**

SH. HARI PRAKASH

.....Plaintiff

Through: Mr. Pankaj Vivek, Adv.

versus

SH. SURENDER SINGH & ORS.

.....Defendants

Through: Mr. V.K. Tandon, Adv. for D-3

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

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28.05.2025

1. Heard.

2. The instant civil suit is for the following relief:-

- a) " Pass a preliminary decree for partition thereby declaring the share of the plaintiff in the suit property comprised in Khata Khatauni No. 43/41 Khasra No. 179 (0-01), Rectangle No. 19//Khasra No. 5/3 (1-00), 6 (4-00), 15 (4-16), Rectangle No. 20// Khasra No. 10 (1-14), 11 (4-10), 12(4-16), 9(4-12), 8/ (0-17), 19(4-09), 28(0-06) of Village Goela Khurd of Sub Division Kapashera District South West, Delhi, i.e. the suit property shown in red colour in the site plan filed with the plaint; and
- b) Pass a final decree of partition by metes and bounds by separating the share of plaintiff from the share of defendants in Khata Khatauni No. 43/41 Khasra No. 179 (0-01), Rectangle No. 19//Khasra No. 5/3 (1-00), 6 (4-00), 15 (4-16), Rectangle No. 20// Khasra No. 10 (1-14), 11 (4-10), 12(4-16), 9(4-12), 8/ (0-17), 19(4-09), 28(0-06) of Village Goela Khurd of Sub Division Kapashera District South West, Delhi, i.e. the suit property shown in red colour in the site plan filed with the plaint;

3. The plaint be registered as a suit. Issue summons. Mr. V.K. Tandon, learned counsel for defendant No.3 is present. He confirms the receipt of the suit paperbook and waive the right of formal service of summons.



4. Summons be issued to the remaining defendants by all permissible modes, on filing of process fee. Affidavit of service be filed within two weeks.

5. The summons shall indicate that written statements must be filed within thirty days from the date of receipt of summons. The defendant shall also file affidavits of admission/denial of the documents filed by the plaintiffs, failing which the written statements shall not be taken on record.

6. The plaintiffs are at liberty to file replications thereto within thirty days after filing of the written statements. The replications shall be accompanied by affidavits of admission/denial in respect of the documents filed by the defendant, failing which the replications shall not be taken on record.

7. It is made clear that any unjustified denial of documents may lead to an order of costs against the concerned party.

8. Any party seeking inspection of documents may do so in accordance with the Delhi High Court (Original Side) Rules, 2018.

9. List before the learned Joint Registrar for completion of service and pleadings, marking of exhibits, and admission/denial of documents on 23.09.2025.

10. Let the matter be listed before the Court on the date to be assigned by the concerned Joint Registrar, upon completion of the necessary proceedings.

I.A. 13693/2025 (under Order XXXIX Rules 1 and 2 read with Section 151, 1908 for *ex parte* ad interim injunction)

11. Heard.

12. Issue notice.



13. Mr. V.K. Tandon, learned counsel for defendant No.3 accepts notice and he states that he supports the prayer made by the plaintiff, in the instant application. He further contends that during the pendency of the application, let the parties be directed to maintain the *status quo*.

14. The aforesaid submission is taken on record. However, the same shall be considered once the notice on the remaining defendants is served.

15. On the plaintiff taking necessary steps, let notice of this application be issued to the remaining defendants by all permissible modes, returnable on 23.07.2025.

16. In addition, the plaintiff is also granted liberty to serve the notice of this application upon remaining defendants through *dasti*.

17. Let requisites be filed within a period of two working days. *Dasti* notice be handed over to the plaintiff within two working days, thereafter.

18. List on 23.07.2025.

PURUSHAINDR KUMAR KAURAV, J

MAY 28, 2025/DPA/AM

Click here to check corrigendum, if any