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

+ **CS(OS) 479/2024**

**GARNISH ARORA**

..... Plaintiff

Through: Mr. K.K. Malhotra and Mr. Tarun  
Kumar, Advs.

versus

**SUNITA ARORA & ORS.**

..... Defendant

Through: Mr. Avinash Menon and Mr. Rishabh  
Saxena, Advs.

**CORAM:**

**HON'BLE MR. JUSTICE JASMEET SINGH**

**ORDER**

% **31.05.2024**

**I.A. 31314/2024-EX.**

1. Exemption is granted subject to all just exceptions.
2. The petitioner shall file legible and clearer copies of exempted documents, compliant with practice rules before the next date of hearing.
3. The application is disposed of.

**CS(OS) 479/2024**

4. This is a suit for partition seeking 1/4<sup>th</sup> share of the plaintiff in the properties as under:-

- i) "Shop number 4A GD ITL Twin Tower B-09 ground floor at Netaji Subhash Place, Pitampura Delhi 110034.
- ii) Shop no. 1, 2 and 11, Main Road, Malka Ganj, Delhi 110007.
- iii) Plot No. 39, Road Madhya Marg DLF Ankur Vihar village and pargana Loni district Ghaziabad UP.
- iv) Shop no. 14, ground floor plot number 15 and 16 District Centre Janakpuri, Delhi 110058.



v) *Property 137 ground floor Pocket 3 Janta Flat, Madipur Paschim Puri Delhi-110063.*

vi) *Property no. 840, Dr. Mukherjee Nagar Delhi 110009.*

vii) *Plot Property 137 ground floor Pocket 3 Janta Flat, Madipur Paschim Puri Delhi 110063.”*

5. In addition, the plaintiff also seeks declaration declaring Relinquishment Deed dated 23.04.2012 as null and void and to be cancelled.

6. In the present case, the plaintiff is the son of Late Sh. Gulshan Kumar Arora, defendant No. 1 is the wife Late Sh. Gulshan Kumar Arora, defendant Nos. 2 is the son of Late Sh. Gulshan Kumar Arora and defendant No. 3 is the daughter of Late Sh. Gulshan Kumar Arora.

7. It is further stated that the properties as mentioned above were purchased from the funds of the Hindu Undivided Family of which Late Sh. Gulshan Kumar Arora was the Karta and therefore the plaintiff has undivided 1/4<sup>th</sup> share in the all the above mentioned properties.

8. It is further stated that the properties as mentioned above were purchased from common fund of “Gullu Meat Walla” shop.

9. For the reasons stated, let plaint be registered.

10. Issue summons to the defendant through all permissible modes including electronic.

11. List before the Joint Registrar on 16.07.2024.

12. List before this Court on 23.09.2024.

**I.A. 31315/2024**

13. This is an application filed under Order XXXIX Rule 1 & 2 seeking ad interim ex-parte injunction restraining the defendants from parting with the possession or creating any third party interest in the suit property.



14. It is stated that the above said properties are purchased from Hindu Undivided Family and the plaintiff has undivided 1/4<sup>th</sup> share in the said properties.

15. It is further stated that the defendants (defendant No. 1-the mother, defendant No. 2- the brother, defendant No. 3-the sister) are trying to sell, alienate and create third party rights in the above said properties.

16. For the reasons noted above, I am of the view that the plaintiff has a *prima facie* case. Balance of convenience lies in favour of the plaintiff and if ad interim ex-parte orders are not granted, the plaintiff may suffer irreparable loss and injury which cannot be compensated in terms of money.

17. It is directed that the defendants and their agents, servants, legal heirs, attorneys, representative, employee, friends associates etc. shall maintain status quo with regard to title and possession with respect to the properties mentioned in paragraph 4 above.

18. Provisions of Order XXXIX Rule 3 of CPC be complied within 3 days from today.

19. List before the Joint Registrar on 16.07.2024.

20. List before this Court on 23.09.2024.

**JASMEET SINGH, J**

**MAY 31, 2024/NG**

[Click here to check corrigendum, if any](#)