



\$~4

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

+ **CS(OS) 504/2024**

RAJENDER SINGH

..... Plaintiff

Through: Mr Nitin Yadav, Advocate.

versus

DEVENDER & ANR.

..... Defendants

Through:

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

%

01.07.2024

I.A. 31819/2024

1. Allowed, subject to all just exceptions.

CS(OS) 504/2024

2. The plaint be registered as a suit.

3. On filing of process fee, summons be issued to the defendant by all permissible modes.

4. The summons shall indicate that written statement must be filed within thirty days from the date of receipt of summons. The defendant shall also file an affidavit of admission/denial of the documents filed by the plaintiff, failing which the written statement shall not be taken on record.

5. The plaintiff is at liberty to file replication thereto within thirty days after filing of the written statement. The replication shall be accompanied by



affidavit of admission/denial in respect of the documents filed by the defendant, failing which the replication shall not be taken on record.

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

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

8. List before the learned Joint Registrar for completion of service, pleadings, admission/denial of documents and marking of exhibits on 29.08.2024.

9. List before the Court after completion of pleadings on 17.09.2024.

I.A. 31818/2024

10. This is an application filed by the plaintiff under Order XXXIX Rule 1 and 2 read with Section 151 CPC seeking grant of ad-interim *ex parte* injunction.

11. Issue notice to the defendants by all permissible modes.

12. The plaintiff has filed a suit for partition and permanent injunction. The case of the plaintiff is that he and the defendants are joint owners to the extent of 1/3rd share each of the suit property which is an agricultural land situated in the revenue estate of village Darya Pur Khurd, Tehsil Najafgarh, New Delhi-110043.

13. Learned counsel for the plaintiff draws the attention of the Court to the khatauni of agricultural land in khata no.60/57 of the village Darya Pur Khurd wherein the plaintiff and defendant nos.1 and 2 have been shown as co-owners to the extent of 1/3rd share.

14. Learned counsel submits that there are other properties as well in which the plaintiff and the defendants, as well as, other members of the



family are co-owners for which a separate suit for partition has been filed. However, in the present agricultural land (suit property) only the plaintiff, as well as, the defendants are parties, therefore, a separate suit for partition has been filed.

15. He further submits that since the land in question is situated in village Darya Pur Khurd, New Delhi which stands declared as an urbanised village *vide* notification dated 16.05.2017 issued by the Department of Urban Development, hence, the suit for partition is maintainable before this Court.

16. He submits that requests have already been made by the plaintiff to the defendants to partition the suit property but they have not acceded to the requests of the plaintiff.

17. Having regard to the fact that the plaintiff has been shown as one of the co-owners to the extent of 1/3 rd share in the *khatuani* pertaining to the suit property filed with the plaint, *prima facie*, I am of the view that the plaintiff has made out a case for grant of ad-interim order of *status quo*, till the next date.

18. I am satisfied that the balance of convenience is in favour of the plaintiff and he will suffer an irreparable loss and injury if third party interests are created by the defendants, as apprehended by the plaintiff, in the suit property before the next date. The parties are, therefore, directed to maintain *status quo* as to the title and possession of the agricultural land as detailed in the plaint, till the next date.

19. Provisions of Order XXXIX Rule 3 CPC be complied with *qua* the defendants within ten days from today and affidavit of compliance be filed within a period of three days thereafter.

20. Defendants may file replies to the application within four weeks on



receipt of notice. Rejoinder thereto, if any, be filed within a period of four weeks thereafter.

21. List before the Joint Registrar for completion of service, as well as, pleadings on 29.08.2024.

22. List before the Court on 17.09.2024.

JULY 1, 2024
MK

VIKAS MAHAJAN, J