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

+ **CS(OS) 473/2019**

**MRS GOHAR FATIMA & ORS** ..... Plaintiffs  
Represented by: **Mr.Jai Sahai Endlaw, Advocate.**

versus

**M.K. OVERSEAS PRIVATE LIMITED** ..... Defendant  
Represented by: **None.**

**CORAM:**

**HON'BLE MS. JUSTICE MUKTA GUPTA**

**ORDER**

% **13.09.2019**

**I.A. No.12654/2019 (Exemption from filing original documents)**

1. Allowed, subject to all just exceptions.
2. Original documents in possession of the plaintiffs be filed within three weeks.
3. Application is disposed of.

**CS(OS) 473/2019 & I.A. No.12653/2019 (under Order XXXIX Rule 1 and 2 CPC)**

1. Issue Plaint be registered as a suit.
2. Issue summons in the suit and notice in the application to the defendant on the plaintiffs taking steps through ordinary and dasti process, Registered AD and speed post returnable on 23<sup>rd</sup> October, 2019 before the learned Joint Registrar for completion of service, pleadings and admission/denial of documents.

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3. Summons to the defendant shall indicate that a written statement to the plaintiff shall be filed within the statutory period of 30 days of the receipt of the summons. Liberty is given to the plaintiffs to file the replication within four weeks of the receipt of the advance copy of the written statement.

4. Reply affidavit to the application and rejoinder affidavit be also filed within four weeks respectively.

5. Parties shall file all original documents in support of their respective claims along with their respective pleadings. In case parties are placing reliance on a document which is not in their power and possession, its detail and source shall be mentioned in the list of reliance which shall be also filed with the pleadings.

6. Admission/denial of documents shall be filed on affidavit by the parties within two weeks of the completion of the pleadings.

7. Case of the plaintiffs is that plaintiff Nos. 1A, 1B and 1C are owners of one flat, plaintiff No.2 an owner of one flat and plaintiff No.3 owner of 50% share of one flat in property bearing municipal No.4611, Ward No.XI, popularly known as 19/C, Ansari Nagar, Darya Ganj, New Delhi which they bought from the defendant vide registered sale deeds dated 20<sup>th</sup> March, 2018, 13<sup>th</sup> April, 2019 and 25<sup>th</sup> March, 2019 respectively original sale deeds whereof are in possession of the plaintiffs and would be filed before this Court. Plaintiffs now find that the defendant has either mortgaged or there is a pre-existing mortgage. The plaintiffs were not aware about any mortgage already existing or that the defendant has got released the property from the charge, if any thereto. When the plaintiffs approached the office of the  
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defendant to enquire, it found that the business of the defendant was wound up and no senior official was available.

8. Considering the facts stated in the plaint, the plaintiffs have made out a prima facie case in their favour and in case no ad-interim ex-parte injunction is granted the plaintiffs would suffer irreparable loss. The balance of convenience also lies in favour of the plaintiffs.

9. Consequently, till the next date of hearing, parties are directed to maintain status quo in respect of the flats of the plaintiffs in building known as 19/C, Ansari Nagar, Darya Ganj, New Delhi, municipal No.4611, Ward No.XI.

10. List the suit and application before Court on 19<sup>th</sup> December, 2019.

11. Compliance under Order XXXIX Rule3 CPC be made within one week.

12. Order dasti.

**MUKTA GUPTA, J.**

**SEPTEMBER 13, 2019**

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