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

+ **CS(OS) 515/2024**

KIRAN GROVER @ DIVYA GROVER & ANR.Plaintiffs
Through: Mr. Rajal Rai Dua and Mr. Rohan
Sharma, Advocates

versus

YASHPAL KUKREJA & ANR.Defendants
Through: None

CORAM:
HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER
% **04.07.2024**

I.A. 32161/2024 (for exemption)

1. Plaintiffs shall file legible and clearer copies of exempted documents, compliant with practice rules, before the next date of hearing
2. The application for exemption is allowed, subject to the plaintiff granting inspection of the documents filed, as and when required to do so, or filing the original documents at the stage of admission/denial.
3. The application stands disposed of.

I.A. 32160/2024(filed under Order XXXIX Rule 1 and 2 of Code of Civil Procedure, 1908)

4. This is a suit filed by the Plaintiffs seeking partition of the estate of their parents Late Shri Madan Lal Kukreja and Late Smt. Dhanwanti.
5. Learned counsel for the Plaintiffs states that Late Shri Madan Lal Kukreja owned the following two immovable properties: -



a. Property bearing no. BT-15, built on land measuring 207, square meters, situated at the layout plan of Shalimar Bagh, residential scheme, Delhi-110088, comprises of two and half storeyed freehold built-up property with roof rights ('Suit Property No. 1').

b. 1, Esplande Road, Chandani Chowk, Delhi, Delhi-110006, ('Suit Property No.2').

5.1. He states that Late Shri Madan Lal Kukreja had executed a Will dated 18.05.2012, whereby suit property no. 1 was bequeathed to his wife Late Smt. Dhanwanti.

5.2. He states that no bequest was made by Late Shri Madan Lal Kukreja in respect of suit property no. 2 and therefore, suit property no. 2 devolved upon the four (4) children and the widow in equal shares.

5.3. He states that subsequently, Late Smt. Dhanwanti has also passed away on 17.04.2021; however, she died intestate and, in this manner, both Suit Property No. 1 and Suit Property No. 2 have now devolved upon the four (4) children in equal shares.

6. The fact of the ownership of the Suit Property No. 1 is recorded in the registered Will dated 18.05.2012 executed by Late Shri Madan Lal Kukreja.

7. Learned counsel for the Plaintiffs states that Suit Property No. 2 has been with the family for more than three (3) decades and presently is in use and occupation of defendant No. 1.

8. None appears on behalf of the Defendant Nos. 1 and 2, despite service of an advance copy.

9. In view of the facts recorded hereinabove, the Plaintiffs have made out prima facie case for grant of ad-interim ex-parte injunction.

10. Accordingly, until the next date of hearing, the parties are directed to



maintain status quo with respect to title and possession of the Suit Property Nos. 1 and 2.

11. Issue notice to defendants through all permissible modes.

12. Reply to the application be filed within 30 days from service. Rejoinder, if any, be filed within 15 days thereafter.

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13. Let the plaint be registered as a suit. Issue summons to the defendants through all permissible modes.

14. The summons shall indicate that the defendants shall file their written statement within a period of thirty (30) days accompanied with the affidavits of admission/denial of documents filed with the plaint, failing which the written statement(s) shall not be taken on record.

15. The plaintiffs are at liberty to file replication(s) thereto within 15 days after filing of the written statement(s). The replication shall be accompanied by affidavit of admission/denial of documents filed along with the written statement(s), failing which the replication(s) shall not be taken on record.

16. It is hereby directed that any unjustified denial of documents may lead to an order of costs against the concerned party.

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

18. List the matter before the Joint Registrar for completion of services and pleadings on 12.09.2024.

19. List the matter before the Court on 25.11.2024.

MANMEET PRITAM SINGH ARORA, J

JULY 4, 2024/rhc