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

+ **CS(OS) 640/2022**

AMIT KUMAR

..... Plaintiff

Through: Mr. Rajesh Yadav, Senior Advocate
and Ms. Chand Rani Prasad,
Advocate along with plaintiff in
person.

versus

MALA GUPTA & ORS.

..... Defendants

Through: None.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

% **17.10.2022**

I.A. 16902/2022(for exemption)

1. Subject to the plaintiff filing the original/certified/clear and legible/true typed copies of the documents on which the plaintiff may seek to place reliance, within four weeks from today, exemption is granted for the present.

2. The application is disposed of.

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3. Let the plaint be registered as a suit.

4. Issue summons in the suit. Summons be issued to the defendants through all modes. The summons shall indicate that the written statement(s) shall be filed within thirty days from the receipt of summons. Along with the written statement(s), the defendants shall also file affidavit of



admission/denial of the documents of the plaintiff.

5. Liberty is given to the plaintiff to file replication(s), if any, within thirty days from the receipt of the written statement(s). Along with the replication(s) filed by the plaintiff, affidavit of admission/denial of the documents of the defendants be filed by the plaintiff.

6. List before the Joint Registrar on 13th January, 2023 for completion of service and pleadings.

7. List before the Court on 28th March, 2023.

I.A. 16901/2022(O-XXXIX R-1 & 2 of CPC)

8. The present suit has been filed seeking relief of partition and other ancillary reliefs in respect of following properties, as detailed in paragraph 4 of the plaint:

S.No.	PROPERTY DETAILS	OWNER(S)
1.	Property bearing No.146P, Sector-46, Faridabad, Haryana-121010.	Late Smt. Usha Rani
2.	Property bearing No.209, Sector-45, Faridabad, Haryana-121010	Late Sh. Surendar Prakash
3.	Property bearing No.74, Pocket-I, Jasola, New Delhi-110025	Sh. Amit Kumar (Plaintiff), Late Sh. Dheeraj Kumar, Smt. Mala Gupta (Defendant no.1)
4.	Property bearing No.330/A/1/2, Chauhan Mohalla, Madanpur Khadar, New Delhi-110076	Late Smt. Usha Rani



9. The father of the plaintiff, Shri Surendar Prakash died *intestate* on 12th December, 2018 and the mother, Smt. Usha Rani died *intestate* on 10th May, 2021. The defendants are the legal heirs of the deceased brother of the plaintiff. The brother of the plaintiff, Shri Dheeraj Prakash also expired on 13th May, 2021. The parties are stated to be in joint possession of the aforesaid properties.
10. Issue notice.
11. Notice be issued to the defendants through all modes.
12. Reply(ies) be filed within four weeks.
13. Rejoinder(s) thereto, if any, be filed before next date of hearing.
14. A *prima facie* case is made out on behalf of the plaintiff. Consequently, till the next date of hearing, status quo with regard to title and possession shall be maintained by the parties in respect of the aforesaid properties.
15. Compliance under Order XXXIX Rule 3 of the Code of Civil Procedure, 1908 (CPC) be done within three days.
16. List before the Joint Registrar on 13th January, 2023 for completion of service and pleadings.
17. List before the Court on 28th March, 2023.

AMIT BANSAL, J.

OCTOBER 17, 2022
at