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

+ CS(OS) 641/2022 & I.A. Nos. 16903/2022 & 16904/2022
PROMILA SETHI & ANR. Plaintiffs
Through: Mr.Neeraj Yadav, Adv.

Versus

ANUPA ABROL & ANR. Defendants
Through: None

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

% **ORDER**
17.10.2022

IA No. 16904/2022 (Application under Section 151 CPC from filing of original /typed copies of the documents)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

CS(OS) 641/2022

3. Let the plaint be registered as a suit.
4. Issue summons to the defendants through all modes upon filing of process fee.
5. The summons to the defendants shall indicate that a written statement to the plaint shall be positively filed within 30 days from the date of receipt of summons. Along with the written statement, the defendants shall also file an affidavit of admission/denial of the documents of the plaintiffs, without which the written statement shall not be taken on record.



6. Liberty is given to the plaintiffs to file a replication within 15 days of receipt of the written statement. Along with the replication, if any, filed by the plaintiff, an affidavit of admission/denial of the documents of the defendants, be filed by the plaintiffs, without which the replication shall not be taken on record.

IA No. 16903/2022 (Application on behalf of the plaintiffs under Order XXXIX Rule 1 and 2 CPC read with Section 151 CPC for *ex parte* ad interim injunction)

7. The present suit has been filed by the plaintiffs for partition, mandatory and permanent injunction and for rendition of accounts against the defendants. Plaintiffs are brother and sister, who have filed the present suit against their step brother and their step sisters.

8. It is submitted that Smt. Neera Abrol married Sh. Madan Gopal Abrol, father of defendants after expiry of her first husband. The plaintiffs are the children of Neera Abrol from her first husband, while the defendants are the children of Sh. Madan Gopal Abrol, their step father. It is submitted that, however, there is no commonality of parents between the plaintiffs and defendants.

9. It is submitted that Sh. Madan Gopal purchased the property which was agricultural land admeasuring 1 bigha and 1 biswas bearing Mustatil No. 24, Killa No. 24 Min situated in the revenue estate of Village Mehrauli, New Delhi situated in the revenue estate of Mehrauli, New Delhi jointly in his name and the name of defendant no.1.

10. Sh. Madan Gopal Abrol, the second husband of the mother of the plaintiffs executed a Will dated 19.12.2007, whereby he bequeathed his half



share in the properties in favour of the mother of the plaintiffs i.e., Smt. Neera Abrol. The details of the said properties are as follows:-

“(i) Agricultural land admeasuring I bigha and I biswa bearing Mustatil No. 24, Killa No. 24 Min situated in the revenue estate of Village Mehrauli, New Delhi Suit Property”;

(ii) Agricultural land admeasuring I bigha and I biswa bearing Mustatil No. 24, Killa No. 24 Min (0-5) 25 Min (0-16) situated in the revenue estate of Village Mehrauli, New Delhi”.

11. Sh. Madan Gopal Abrol expired on 12.01.2018 leaving behind the defendants and late Smt. Neera Abrol as his sole Class-I legal heirs.
12. It is submitted that in terms of Will dated 19.12.2007, mother of the plaintiffs i.e., Smt. Neera Abrol became owner to the extent of 50% of the suit property along with the defendant no.1, who owns the other 50% share.
13. Issue notice to the defendants.
14. Let reply be filed within four weeks from today.
15. Rejoinder thereto, if any, be filed within two weeks thereafter.
16. List the matter before Joint Registrar (Judicial) for completion of pleadings on 05.12.2022.

MINI PUSHKARNA, J.

OCTOBER 17, 2022

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