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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 526/2024**

MRS KALPANA VASUDEVAPlaintiff
Through: Mr. Kunal Sinha and Mr. Sarthak
Sharma, Advocates
versus

MRS MEENAA BERRY & ANR.Defendants
Through: None.

CORAM:
HON'BLE MR. JUSTICE VIKAS MAHAJAN

% **ORDER**
10.07.2024

I.A. 32749/2024 (under Section 151 CPC seeking exemption from filing original documents as well as official translation of original documents)

1. This is an application seeking exemption from filing original documents as well as official translation of original documents. Original documents shall be produced/filed, if sought, strictly as per the provisions of DHC (Original Side) Rules, 2018.
2. Exemption is allowed, subject to all just exceptions.
3. The application is disposed of.

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4. The plaint be registered as a suit.
5. On filing of process fee, summons be issued to the defendants by all permissible modes.



6. 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.
 7. 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.
 8. It is made clear that any unjustified denial of documents may lead to an order of costs against the concerned party.
 9. Any party seeking inspection of documents may do so in accordance with the Delhi High Court (Original Side) Rules, 2018.
 10. List before the learned Joint Registrar for completion of service, pleadings, admission/denial of documents and marking of exhibits on 09.09.2024.
 11. List before the Court after completion of pleadings on 04.10.2024.
- I.A. 32748/2024 (under Order XXXIX Rule 1 and 2 read with Section 151 CPC by the plaintiff)**
12. Issue notice to the defendants by all permissible modes.
 13. The plaintiff has filed the present suit for partition, permanent injunction and recovery of money and damages. Plaintiff as well as the defendants are daughters and son of late Gautam Prakash Sahni, who expired on 15.05.2021. The mother of the parties also passed away on 10.11.2022. It is the pleaded case of the plaintiff that father as well as mother both left behind a separate registered Will of the even date 06.12.2018.
 14. The learned counsel for the plaintiff submits that defendant no. 1 is the



executor of the said Will but she has not performed the duties till date despite repeated requests.

15. He submits that the defendant no. 1 has been unauthorizedly operating the safe deposit lockers of the parents and the bank accounts as well.

16. Learned counsel appearing on behalf of the plaintiff invites the attention of the Court to para 7 of the plaint, which enumerates the properties left behind by the parents of the parties and the details of bequest *qua* each property. He further submits that defendant no. 1 has been threatening to sell off the other assets of the parents.

17. The plaintiff is the daughter of late Gautam Prakash Sahni and late Shila Kumari Sahni, therefore, she would ordinarily be entitled to the share of the deceased. In any case, there is no dispute with regard to the Wills executed by the parents of the parties.

18. In this backdrop, I am of the view that the plaintiff has made out a *prima facie* case for grant of limited *ad-interim* relief of *status-quo* till the next date. I am also 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 suit properties as enumerated in para 7 of 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 09.09.2024.

22. List before Court on 04.10.2024.

VIKAS MAHAJAN, J

JULY 10, 2024

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