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

+ **CS(OS) 529/2024**

KIRAN

.....Plaintiff

Through: Mr.J.P.Singh, Mr.Mohd.
Rahman and Mr.Shivendu
Chauhan, Advs.

versus

MANOJ KUMAR & ANR.

.....Defendants

Through: Nemo

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **10.07.2024**

I.A. 32829-30/2024 (Exemption)

1. Allowed, subject to all just exceptions.

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2. Let the Complaint be registered as a Suit.

3. Issue summons to the Defendants, to be served through all permissible modes, including through electronic mode and *dasti* as well, returnable on 27th September, 2024 before the learned Joint Registrar (Judicial).

4. The summons to the Defendants shall indicate that the Written Statement(s) to the Complaint shall be positively filed within a period of 30 days from the date of receipt of the summons. Along with the Written Statement(s), the Defendants shall also file the affidavit(s) of admission/denial of the documents of the Plaintiff, without which the Written Statement(s) shall not be taken on record.

5. Liberty is given to the Plaintiff to file the Replication within a



period of 15 days of the receipt of the Written Statement(s). Along with the Replication, if any, filed by the Plaintiff, the affidavit of admission/denial of documents of the Defendant(s) to be filed by the Plaintiff, without which the Replication shall not be taken on record.

6. If any of the parties wish to seek inspection of any documents, the same shall be sought and given within the timelines.

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7. Issue Notice to the Defendants, to be served through all permissible modes, including through electronic mode and *dasti* as well, returnable on 27th September, 2024 before the learned Joint Registrar (Judicial).

8. It is the case of the Plaintiff that the father of the parties, that is, late Sh. Ganpat Singh, unfortunately died intestate on 06.07.2020 leaving behind the properties that are mentioned in the plaint. He is survived by the parties to the present suit.

9. Having considered the contents of the Plaint and the documents filed therewith, and also having heard the learned counsel for the Plaintiff, I am of the opinion that the Plaintiff has been able to make out a good *prima facie* case in his favour. The balance of convenience is also in favour of the Plaintiff and against the Defendants. The Plaintiff is likely to suffer grave irreparable injury in case an *ad interim ex-parte* injunction, as prayed for, is not granted.

10. Accordingly, the parties to the Suit are directed to maintain the *status quo* with respect to the title and possession of the properties in question, till the next date of hearing.

11. Let reply(ies) to the application be filed by the Defendants



within a period of four weeks of receipt of the notice. Rejoinder thereto, if any, be filed within a period of three weeks thereafter.

12. Compliance of Order XXXIX Rule 3 of the Code of Civil Procedure, 1908 be made within a week from today.

NAVIN CHAWLA, J

JULY 10, 2024/Arya/SJ

[Click here to check corrigendum, if any](#)