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

+ **CS(OS) 662/2022**

BHUVAN SINGH

..... Plaintiff

Through: Mr.Trideep Pais, Sr.Advocate with
Ms.Susy George, Ms.Shachi Mittal
and Mr.Sudakshana, Advocates.

versus

SAMEER PURI

..... Defendant

Through: None.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

% **27.10.2022**

I.A. 17418/2022 (for exemption)

1. Subject to the plaintiff filing original/certified copies with proper margins and clear and legible copies of any document 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.
5. The written statement shall be filed within thirty days from the receipt of summons. Along with the written statement, the defendant shall also file affidavit of admission/denial of the documents of the plaintiff.
6. Liberty is given to the plaintiff to file replication, if any, within thirty



days from the receipt of the written statement. Along with the replication filed by the plaintiff, affidavit of admission/denial of the documents of the defendant be filed by the plaintiff.

7. List before the Joint Registrar on 19th January, 2023 for completion of service and pleadings.

8. List before the Court on 24th April, 2023.

I.A. 17484/2022 (O-XXXIX R-1 & 2 of CPC)

9. The present suit has been filed seeking relief of cancellation, declaration, possession and mesne profits in respect of the property bearing No. Y-50, Hauz Khas Enclave, New Delhi-110016 (suit property).

10. It is the case of the plaintiff that the suit property belonged to her father, Late Sh. Shyam Kumar Puri. The plaintiff executed a relinquishment deed dated 23rd December, 2015 under a misrepresentation, relinquishing her 1/3rd share in the suit property in favour of her brother, the defendant herein and her mother, Late Smt. Raj Puri. The mother of the plaintiff expired on 27th April, 2021. After the death of her mother, the plaintiff is undeniably entitled to 1/4th share in the suit property being half the share of her mother. It is further submitted that the defendant resides on the ground floor of the suit property, whereas first and third floor of the suit property have been leased out to tenants and the defendant alone is enjoying the rents.

11. Issue notice.

12. Notice be issued to the defendant through all modes.

13. Reply be filed within four weeks.

14. Rejoinder thereto, if any, be filed within two weeks thereafter.

15. 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 in respect of the suit property.

16. Compliance Report under Order XXXIX Rule 3 of the Code of Civil Procedure, 1908 (CPC) be filed within five days.

17. List before the Court on 24th April, 2023.

OCTOBER 27, 2022

sr

AMIT BANSAL, J