



\$~13

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

+ **CS(OS) 673/2022**

AJAY CHADDHA Plaintiff

Through: Ms.Sudershani, Advocate.

versus

SANJAY CHADDHA Defendant

Through: None.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

% **02.11.2022**

I.A. 17795/2022 (for exemption)

1. Subject to the plaintiff filing the signed and attested affidavits and the original/certified/true typed copies of any 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.

I.A. 17794/2022 (O-VII R-14 of CPC)

3. Subject to plaintiff filing all the original documents on which the plaintiff may seek to place reliance, within thirty days from today, exemption is granted for the present.

4. The application stands disposed of.

I.A. 17796/2022 (for condonation of delay in refilling suit)

5. For the reasons stated in the application, the delay of 104 days in re-filing suit is condoned.

6. The application stands disposed of.



CS(OS) 673/2022

7. Let the plaint be registered as a suit.
8. Issue summons in the suit.
9. Summons be issued to the defendant through all modes. 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.
10. 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.
11. List before the Joint Registrar on 23rd January, 2023 for completion of service and pleadings.
12. List before the Court on 21st April, 2023.

I.A. 17792/2022 (O-XXXIX R-1 & 2 of CPC)

13. The present suit has been filed seeking relief of partition and other ancillary reliefs in respect of the following suit properties:
 - (i) Shop bearing No. 8774/3, Rani Jhansi Road, Delhi.
 - (ii) Residential Property bearing no. 2C/16, New Rohtak Road, Karol Bagh, New Delhi-110005.
 - (iii) Property bearing no.11008, Gali No.4, Doriwala, East Park Road, Karol Bagh, New Delhi-110005.
 - (iv) Late Sh. Yash Pal Chadha's share in the partnership firm M/s City Gift India.
14. The shop at Rani Jhansi Road was owned by the late father of the plaintiff and the defendant, late Sh. Yash Pal Chadha, who has bequeathed



half share in the said shop in favour of the plaintiff vide Will dated 5th April, 1994. As regards the other two properties, the said properties are jointly owned by the plaintiff and the defendant by virtue of registered sale deeds.

15. Legal notices dated 5th November, 2020 and 27th November, 2020 were sent on behalf of the plaintiff to the defendant, however, no reply in respect thereof has been received.

16. Issue notice.

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

18. Reply be filed within four weeks.

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

20. 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 suit properties.

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

22. List before the Court on 21st April, 2023.

I.A. 17793/2022 (O-II R-2 of CPC)

23. Issue notice.

24. Notice be issued to defendant through all modes.

25. Reply be filed within four weeks.

26. Rejoinder thereto, if any, be filed before the next date of hearing.

27. List on 21st April, 2023.

AMIT BANSAL, J

NOVEMBER 2, 2022/sr