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

+ CS(OS) 678/2022 & I.A. 17963/2022, I.A. 17964/2022,
I.A. 17965/2022 and I.A. 17966/2022

SH. ASHOK KUMAR SACHDEVA Plaintiff
Through: Mr. L.C. Rajput, Adv.

versus

SH. JATINDER KUMAR SACHDEVA & ANR. Defendants
Through:

CORAM:
HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER
04.11.2022

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I.A. 17965/2022

Exemption allowed subject to all just exceptions.

Application stands disposed of.

I.A. 17966/2022

1. This is an application filed by the applicant seeking condonation of 16 days delay in re-filing the petition.
2. For the reasons stated in the application, delay of 16 days in re-filing the petition is condoned.
3. Application stands disposed of.

CS(OS) 678/2022 & I.A. 17963/2022 and I.A. 17964/2022,

4. This Suit has been filed by the plaintiff with the following prayers:

“It is therefore most humbly prayed that this Hon'ble court may kindly



be pleased to:-

- a) Pass a preliminary decree of partition of the suit property i.e. H.No. 69, Samrat Enclave, Pitampura, Delhi- 110034 built upon a land measuring 232.33 sq. yds. , shown as red in the site plan attached.*
- b) Pass a final decree of partition by metes and bounds of the suit property mentioned above in prayer Clause (a) in accordance with law.*
- c) Pass a decree of rendition of true accounts in favour of the plaintiff and against the defendants in respect of the pension account bearing No. 30030184624 in the State Bank of India and the savings bank A/c No. 0184 993 2227 in Yes Bank, Netaji Subhash Palace, New Delhi, both the accounts of Late Sh. S.S. Sachdeva and after ascertaining the total amount pay 1/3rd of the share of the ascertained amount to the plaintiff (1/3rd share to each party to the suit.)*
- d) Pass a decree of permanent injunction in favour of the plaintiff and against the defendants restraining the defendants, their representatives, assigns etc. from creating third party interest or part with possession of the suit property.*
- e) Award of the cost of the suit in favour of the plaintiff against the defendants.*
- f) Pass any other/further order which may be deemed just and proper in the circumstance of the case.”*

5. In substance, the Suit is also for partition of a property being 69, Samrat Enclave, Pitam Pura, Delhi. The parties herein are brothers. In support of his submission learned counsel for the plaintiff has drawn my attention to a property tax receipt which depicts the ownership with regard



to the property in question being of the late father of the parties

6. He also state, title deeds of the property are with defendant No.1 and for that purpose he has filed an application under Order XII Rule 8 read with Section 151 CPC for production of original ownership documents.

7. Let the plaint be registered.

8. Issue summons on the Suit and notice on the applications to the defendants returnable before Court on April 10, 2023.

9. Till the next date of hearing, the parties shall maintain *status quo* with regard to the title and possession of the property being House No. 69, Samrat Enclave, Pitam Pura, Delhi-110034.

V. KAMESWAR RAO, J

NOVEMBER 4, 2022/jg