



\$~20

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 528/2019**
SH. ADITYA GUPTA

..... Plaintiff

Represented by: Mr. Rajesh Mahindru, Adv. with
plaintiff in person.

versus

SH. NARENDER GUPTA & ORS.

..... Defendant

Represented by:

CORAM:
HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

16.10.2019

%

I.A. 14314/2019

Exemption allowed subject to just exceptions.

Original documents/ certified copies be filed within 30 days.

Application is disposed of.

CS(OS) 528/2019 & I.A. 14315/2019 (u/O XXXIX R 1&2 CPC)

1. Complaint be registered as suit.
2. Issue summons in the suit and notice in the application to the defendants through ordinary and dasti process, registered AD and speed post returnable on 20th November, 2019 before the learned Joint Registrar for completion of service, pleadings and admission/ denial of documents.
3. Summons to the defendants shall indicate that the written statement to the plaintiff shall be positively filed within 30 days of the receipt of the

CS(OS) 528/2019

page 1 of 3



summons. Liberty is given to the plaintiff to file a replication within two weeks of the receipt of the advance copy of the written statement.

4. Parties shall file all original documents in support of their respective claims along with their respective pleadings. In case parties are placing reliance on a document which is not in their power and possession, its detail and source shall be mentioned in the list of reliance which shall be also filed with the pleadings.

5. Admission/ denial of documents shall be filed on affidavit by the parties within two weeks of the completion of the pleadings. The affidavit shall include the list of the documents of the other party. The deponents shall indicate their position with regard to the documents against the particulars of each document.

6.. Case of the plaintiff is that the suit property being B-333, New Friends Colony had been inherited by his father defendant No.1 by virtue of being Karta and was a HUF property which is fortified by the fact that earlier a suit was filed by the brother of defendant No.1 wherein in an application under Order XXIII Rule 3 CPC the parties agreed that the property B-335, New Friends Colony was purchased from the joint family earnings and after selling the said property the present suit property i.e. C-580, 3rd Floor, New Friends Colony was purchased, hence the plaintiff who is the son of defendant No.1 would also be entitled to his share in the said property.

7. Till the next date of hearing status quo as to title and possession of the suit property will be maintained by the parties.

8. List the suit and application before Court on 20th January, 2020.

CS(OS) 528/2019

page 2 of 3



9. Compliance under Order XXXIX Rule 3 CPC be made within one week.
10. Order dasti.

MUKTA GUPTA, J.

OCTOBER 16, 2019
‘ga’

CS(OS) 528/2019

page 3 of 3