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

+ **CS(OS) 562/2024**

DEVENDER CHAUHAN & ORS.Plaintiffs

Through: Counsel for plaintiffs
(appearance not given)

versus

KARAN SINGH & ORS.Defendants

Through: Ms. Niharika Kashyap and Mr. Shiv
Kumar Gautam, Advs. for Defendant
nos. 1 to 6 and 11 to 34
None for other defendants

**CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL**

ORDER
04.02.2025

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**I.A. 2688/2025 (under Order VI Rule 171 CPC, seeking amendment of the
plaint)**

1. Counsel for defendant nos. 1 to 6 and defendant nos. 11 to 34, accepts notice.
2. On plaintiffs taking steps through all permissible modes, notice of this application be issued to remaining defendants through all permissible modes, returnable on the next date.
3. List before the Joint Registrar (Judicial) for completion of pleadings on 19th March 2025.

I.A. 2689/2025 (under Order XXXIX Rules 1 & 2 CPC)

5. By way of the present application filed under Order XXXIX Rules 1 and 2 read with Section 151 of the Code of Civil Procedure, 1908, plaintiff seeks an *ex parte ad-interim* injunction, restraining the defendants and all



those acting for or on their behalf from alienation or creating third-party interests in respect of suit property *i.e. bearing Khasra Nos. 240 (3-5), 599 (2-17), 813 (3-8), 327 (2-04) and 283 (2-01), total measuring 13 Bighas and 15 Biswas, situated at village Madanpur Khadar, New Delhi*, as shown in the red colour in the site plan, till the pendency of the present suit.

6. Counsel for defendant nos. 1 to 6 and defendant nos.11 to 34, accepts notice.

7. On steps being taken by plaintiff, notice of this application be issued to defendants through all permissible modes, returnable before this Court on 23rd May 2025.

I.A. 2690/2025 (under Order VII Rule 14 CPC)

1. This application has been filed by plaintiffs seeking permission to place on record certain additional documents, as mentioned in paragraph 4 of the application.

2. The application is allowed; additional documents as mentioned in paragraph 4 of the application, are allowed to be taken on record.

3. Application stands disposed of.

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1. The suit was originally withdrawn on 22nd July 2024, on the assumption that the property in question in *Village Madanpur Khadar* was in a rural area.

2. Subsequently, on 19th November 2024, it was noted that *Village Madanpur Khadar* stood urbanised, and therefore, the suit was restored to its original position.

3. It is also noted that documents have since been filed in support of the plaint. The list of documents filed includes:

(a) *The revenue record i.e. three Khatoni's of the khasra*



No's. 240 (3-5), 599 (2-17), 813 (3-8), 327 (2-04) and 283 (2-01), subject present suit, along with typed copies;

(b) The Pedigree Table/Family Tree of the parties matter of the to the suit; &

(c) Five Site plans.

4. The suit has been filed seeking partition of the suit lands, i.e. *Khatoni's* of the *Khasra No's. 240 (3-5), 599 (2-17), 813 (3-8), total measuring 9 Bighas and 10 Biswas, situated at village Madanpur Khadar, New Delhi*. Subsequently, an amendment has been filed to include other *joint holdings in Khasra No.327 (2-04) and 283 (2-01)*. It is stated that parties are in joint holding of *Khasra No. 1074/872/2(5-11) and 1036/920 (4-1)*, but they are submerged under the river Yamuna.

5. Plaintiffs claim their share through their *grandfather, Sh. Prabhu S/o Fateh Singh*, who was a *co-bhumidar/co-owners* in possession of the undivided ancestral land having $1/6^{th}$ share each. Four plaintiffs claim $1/24^{th}$ share each in respect of the suit properties. It is contended that all the parties are in joint possession of the suit lands.

6. Issue summons.

7. The plaint be registered as a suit. Summons be issued to the defendants by all permissible modes on filing of process fee. Affidavit of service be filed within two weeks.

8. Counsel for defendant nos. 1 to 6 and 11 to 34 accepts notice.

9. Copies of plaint along with copies of applications and other annexure be supplied to Counsel for defendant nos. 1 to 6 and 11 to 34 by the counsel for plaintiffs during the course of the day.

10. The summons to the remaining defendants shall indicate that the written statements must be filed within thirty days from the date of receipt



of the summons. The defendants shall also file affidavits of admission/denial of the documents filed by the plaintiff, failing which the written statements shall not be taken on record.

11. The plaintiff is at liberty to file replications thereto within thirty days after filing of the written statements. The replications shall be accompanied by affidavits of admission/denial in respect of the documents filed by the defendants, failing which the replications shall not be taken on record.

12. It is made clear that any unjustified denial of documents may lead to an order of costs against the concerned party.

13. Any party seeking inspection of documents may do so in accordance with the Delhi High Court (Original Side) Rules, 2018.

14. List before the learned Joint Registrar for marking of exhibits on 19th March 2025.

15. List before the Court on 23rd May 2025.

16. Order be uploaded on the website of this Court.

ANISH DAYAL, J

FEBRUARY 4, 2025/sm/tk