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

+ **CS(OS) 434/2025 & I.A. Nos. 14248/2026 & 14251/2026**

SH. ASHAN

.....Plaintiff

Through: Mr. Tarun Shokeen and Mr. Arun
Singh, Advocates
Mob: 9811484755
Email: tarunshokeenadv@gmail.com

versus

SMT. SANTOSH NARANG & ORS.

.....Defendants

Through: Mr. Robin Ratnakar David, Ms.
Ruchi Khurana and Mr. Vatan
Sharma, Advocates for D-2 & 3

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

% **ORDER**
20.05.2026

I.A. 14248/2026 (For Stay).

1. The present application has been filed on behalf of defendant nos. 2 and 3, under Order XXXIX Rules 1 and 2, read with Section 151 of the Code of Civil Procedure, 1908 ("CPC"), seeking interim reliefs.
2. Learned counsel appearing for defendant nos. 2 and 3 submits that there are multiple litigations between the parties, which are pending.
3. It is submitted that the defendant nos. 2 and 3 are undisputedly the co-sharers and co-owners of the suit properties, including, the commercial establishment running under the name and style of *M/s New Amrit Filling* at



16/0 Milestone NH-10, Tikri Kalan, Delhi-110041.

4. It is submitted that there have been various incidents, wherein, unauthorized persons have tried to disturb the peaceful possession of defendant nos. 2 and 3, and a formal complaint dated 18th May, 2026 has already been filed in this regard, with the Station House Officer (“SHO”), Police Station Mundka, Delhi.
5. It is submitted that defendant nos. 2 and 3 have a grave concern that the aforesaid property may be sold off to some third-party during the pendency of the present proceedings.
6. Accordingly, by way of the present application, it is prayed that direction be given to the parties to maintain *status quo* with respect to the suit properties, during the pending of present suit, which is a suit for partition.
7. Issue notice. Notice is accepted by learned counsel appearing for the plaintiff.
8. Learned counsel appearing for the plaintiff submits that plaintiff is currently in Canada, and is not creating any third-party rights with respect to the suit properties.
9. Learned counsel appearing for defendant nos. 2 and 3 has drawn the attention of this Court to the proof of service to defendant no. 1.
10. None appears for defendant no. 1 when the matter is called out, despite advance notice.
11. Issue notice to defendant no. 1.
12. The matter requires consideration.
13. Accordingly, let reply be filed, within a period of four weeks, from today.



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

15. Considering the submissions made before this Court and considering the fact that the present is a family dispute amongst family members for partition of various suit properties, this Court is of the considered view that defendant nos. 2 and 3 have established a *prima facie* case. Further, irreparable loss shall be caused, if interim relief is not passed and balance of convenience also lies in favour of the said defendant nos. 2 and 3.

16. Accordingly, considering the submissions made before this Court, it is directed that till the next date of hearing, *status quo* shall be maintained, as regards title and possession of the suit properties, which are subject matter of the present suit, including, property, i.e., *M/s New Amrit Filling Station, Rohtak Road Retail Outlet Dealership*.

17. Compliance of Order XXXIX Rule 3 of the CPC be done, within a period of one week, from today.

18. List on the date already fixed, i.e., 21st July, 2026 before the Joint Registrar (Judicial).

I.A. 14251/2026 (for condonation of delay in filing written statement)

19. The present application has been filed on behalf of defendant nos. 2 and 3, under Order VIII Rule 1 of CPC, read with Section 5 of the Limitation Act, 1963 ("Limitation Act"), seeking condonation of delay in filing the written statement.

20. As per the prayer in the application, there is a delay of 191 days in filing of the written statement.

21. Issue notice. Notice is accepted by learned counsel appearing for the plaintiff.



22. Issue notice to defendant no. 1, by all modes.
23. Let reply be filed, within a period of four weeks, from today.
24. Rejoinder thereto, if any, be filed within a period of two weeks, thereafter.
25. List on the date already fixed, i.e., 21st July, 2026 before the Joint Registrar (Judicial).

MINI PUSHKARNA, J

MAY 20, 2026/SK