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

+ **CS(OS) 699/2022**

DR. KAVITA RUPRAIL

..... Plaintiff

Through: Mr.Tanmaya Mehta, Mr.Divyansh
and Ms.Sumedha Sindhu, Advocates

versus

KUNAL KWATRA & ORS.

..... Defendants

Through: None.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

% **17.11.2022**

I.A. 18586/2022 (for exemption)

1. Subject to the plaintiff filing the original, true typed and certified copies with required font size and margin and clear and legible copies of any dim document 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. 18627/2022 (for condonation of delay of 15 days in re-filing suit)

3. For the reasons stated in the application, the delay of 15 days in re-filing the suit is condoned.

4. Accordingly, the application stands disposed of.

CS(OS) 699/2022

5. Let the plaint be registered as a suit.

6. Issue summons in the suit.



7. The written statement(s) shall be filed within thirty days from the receipt of summons. Along with the written statement(s), the defendants shall also file affidavit of admission/denial of the documents of the plaintiffs.

8. Liberty is given to the plaintiff to file replication(s), if any, within thirty days from the receipt of the written statement(s). Along with the replication(s) filed by the plaintiff, affidavit of admission/denial of the documents of the defendants be filed by the plaintiff.

9. List before the Joint Registrar on 24th January, 2023 for completion of service and pleadings.

10. List before the Court on 18th April, 2023.

I.A. 18587/2022 (O-XXXIX R-1 & 2 of CPC)

11. The present suit has been filed seeking reliefs of declaration, recovery of possession, damages, mesne profits and injunction in respect of the plots no. 81/1 and 81/2, Block No. 2, WHS, Kirti Nagar, New Delhi-110015 (suit property).

12. The aforesaid two plots were owned by the father of the plaintiff and have subsequently been gifted in favour of the plaintiff vide Gift Deeds dated 3rd December, 2021. The father of the plaintiff and his brother Late Sh. Sham Sunder Kumar were using the suit properties and the adjoining plots no. 78 and 78/1, Block No. 2, WHS, Kirti Nagar, New Delhi-110015 owned by the brother of the father of the plaintiff, Sh. Sham Sunder Kumar, for running a banquet and/or furniture business under the name of “M/s Ecstasy Hotels Pvt. Ltd.” and/or “The Furniture Mall”.

13. Subsequently, Sh. Sham Sunder Kumar passed away in February, 2019 and later his son, Sh. Sandeep Kumar also passed away on 17th May,



2021. Currently, the defendants no.1, 2, 3 and 4 are running a banquet hall namely Royal Moments Banquet at the suit property as well as at the property bearing no. 78 and 78/1, Block No. 2, WHS, Kirti Nagar, New Delhi-110015.

14. A legal noticed dated 25th February, 2022 was sent on behalf of the plaintiff to defendant no.1 demanding possession of the suit property. However, no response thereto has been received.

15. Issue notice.

16. Notice be issued to the defendants through all modes.

17. Reply(ies) be filed within four weeks.

18. Rejoinder(s) thereto, if any, be filed within two weeks thereafter.

19. A *prima facie* case is made out on behalf of the plaintiff.

20. Consequently, till the next date of hearing, status quo with regard to title and possession shall be maintained in respect of the suit property.

21. Compliance through email as well as registered post under Order XXXIX Rule 3 of the Code of Civil Procedure, 1908 (CPC) be filed within three days.

22. List on 18th April, 2023.

AMIT BANSAL, J

NOVEMBER 17, 2022

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