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

+ **CS(OS) 567/2024**

MR VISHAL GUPTA

.....Plaintiff

Through: Mr.Abhinash Kumar Mishra,
Adv.

versus

SMT RADHA AGGARWAL & ORS.

.....Defendants

Through: None.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **23.07.2024**

I.A. 34000/2024 (Exemption)

1. Allowed, subject to all just exceptions.

I.A. 34001/2024

2. This is an application seeking condonation of delay in re-filing of the present suit. For the reasons stated in the application, the delay is condoned.

3. The application is disposed of.

CS(OS) 567/2024

4. Let the Plaint be registered as a Suit.

5. Issue summons to the defendants, to be served through all permissible modes, including through electronic mode and *dasti* as well, returnable on 16th October, 2024 before the learned Joint Registrar (Judicial).

6. The summons to the defendants shall indicate that the Written Statement(s) to the Plaint shall be positively filed within a period of 30 days from the date of receipt of summons. Along with the Written



Statement(s), the defendants shall also file the affidavit(s) of admission/denial of the documents of the plaintiff, without which the Written Statement(s) shall not be taken on record.

7. Liberty is given to the plaintiff to file the Replication within a period of 15 days of the receipt of the Written Statement(s). Along with the Replication, if any, filed by the plaintiff, the affidavit(s) of admission/denial of documents of the defendants be filed by the plaintiff, without which the Replication shall not be taken on record.

8. If any of the parties wish to seek inspection of any documents, the same shall be sought and given within the timelines.

I.A. 33998/2024

9. Issue Notice to the defendants, to be served through all permissible modes, including through electronic mode and *dasti* as well, returnable on 16th October, 2024 before the learned Joint Registrar (Judicial).

10. It is the case of the plaintiff that the plaintiff and the defendant nos.2 to 5 are real brothers and sisters and are the legal heirs of late Sh. Ram Partap Aggarwal, their father, who unfortunately passed away on the intervening night of 10th -11th September, 2023.

11. The plaintiff asserts that the properties mentioned in the suit are the self acquired properties of his father, late Sh. Ram Partap Aggarwal. The plaintiff further asserts that the said properties were bequeathed in favour of various parties to the suit by Will(s) executed by late Sh. Ram Partap Aggarwal, except the Will dated 16.12.2022, registered on 19.12.2022, as mentioned in the prayer clause no.3 of the Plaint and is disputed by the plaintiff.



12. Having considered the contents of the Complaint and the documents filed therewith, and also having heard the learned counsel for the plaintiff, I am of the opinion that the plaintiff has been able to make out a good *prima facie* case in his favour. The balance of convenience is also in favour of the plaintiff and against the defendants. The plaintiff is likely to suffer a grave irreparable injury in case an *ex-parte order of interim* injunction is not granted.

13. Accordingly, the parties to the Suit are directed to maintain the *status quo* with respect to the suit properties, till further order.

14. Let reply(ies) to the application be filed by the defendants within a period of four weeks of receipt of the notice. Rejoinder thereto, if any, be filed within a period of four weeks thereafter.

15. Compliance of Order XXXIX Rule 3 of the CPC be made within a week from today.

I.A. 33999/2024

16. Issue Notice to the defendants, to be served through all permissible modes, including through electronic mode and *dasti* as well, returnable on 16th October, 2024 before the learned Joint Registrar (Judicial).

17. Let reply(ies) to the application be filed by the defendants within a period of four weeks of receipt of the notice. Rejoinder thereto, if any, be filed within a period of four weeks thereafter.

NAVIN CHAWLA, J

JULY 23, 2024/ns/SJ

[Click here to check corrigendum, if any](#)