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

+ **CS(OS) 444/2025 & I.A. 16333/2025**

**KRISHAN SARUP BHATNAGAR THROUGH SPA HOLDER
ARUN BHATNAGAR & ORS.Plaintiffs**

Through: **Mr. Arjun Malik and Mr. Kharanshu
Rana, Advocates**

versus

ANUP BHATNAGARDefendant

Through: **None**

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% 14.07.2025

CS(OS) 444/2025

1. The present suit has been filed by the plaintiffs seeking partition of the residential property bearing no. 108, Chitra Vihar, Vikas Marg, Delhi-110092 admeasuring 165 sq. yards consisting of built-up ground floor and first floor ['suit property'].
2. Let the plaint be registered as a suit.
3. Summons be issued to the defendant by all permissible modes on filing of process fee. Affidavit of service be filed within two (2) weeks.
4. The summons shall indicate that the written statement must be filed within thirty (30) days from the date of receipt of the summons. The defendant shall also file affidavit of admission/denial of the documents filed by the plaintiffs, failing which the written statement shall not be taken on record.



5. The plaintiffs are at liberty to file replication thereto within thirty (30) days after filing of the written statement. The replication shall be accompanied by affidavits of admission/denial in respect of the documents filed by the defendant, failing which the replication shall not be taken on record.

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

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

8. List before the learned Joint Registrar (J) for completion of service and pleadings, marking of exhibits and admission/denial of documents on **18.08.2025**.

9. List before the Court on **20.11.2025**.

I.A. 16333/2025 (Under Order XXXIX Rule 1 and 2 CPC)

10. This is an application filed under Order XXXIX Rule 1 and 2 of the Code of Civil Procedure, 1908 [‘CPC’] seeking ex-parte ad-interim order in favour of the plaintiff and against the defendant, thereby restraining the defendant from creating third-party rights in the suit property.

11. Learned counsel for the plaintiffs’ states that the suit property belongs to the father of the parties i.e., late Sh. Lakshman Sarup Bhatnagar [‘deceased’], who died intestate on 21.11.2005. The title deed has been placed on record.

11.1. He states that all the parties have succeeded to the suit properties, each entitled to 1/4th share.

11.2. He relies upon the Agreement of Understanding dated 29.12.2005 executed between the parties after the demise of their father. He states that



as per the said agreement, the parties herein had agreed to sell the suit property and divide the sale proceeds equally.

11.3. He states that however, efforts made to sell the suit property mutually, have failed. He states that the legal notice dated 19.03.2025 was issued to the defendant; however, no response has been received from the defendant.

12. In view of the facts noted above, the plaintiffs have made out a prima facie case in their favour and thus, until the next date of hearing, parties are directed to maintain status quo *qua* title and possession of the suit property.

13. Issue notice to the defendant through all modes.

14. Reply to the application be filed within four (4) weeks. Rejoinder thereto, if any, be filed within three (3) weeks thereafter.

15. Provisions of Order XXXIX Rule 3 of CPC be complied with within one (1) week from today.

16. List before the learned Joint Registrar (J) for completion of service and pleadings on **18.08.2025**.

17. List before the Court on **20.11.2025**.

18. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of order shall be insisted by any authority/entity or litigant.

MANMEET PRITAM SINGH ARORA, J

JULY 14, 2025/rhc/MG