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

+ CS(OS) 444/2025, I.A. 16333/2025, I.A. 26942/2025, I.A. 26943/2025, I.A. 26944/2025 & I.A. 3184/2026

KRISHAN SARUP BHATNAGAR & ORS.Plaintiffs

Through: Mr. Kharanshu Rana, Mr. Merlin Mathew and Mr. Akshansh Sharma, Advs.

Mob: 9810017346

Email: legal@amaclawoffices.com

versus

ANUP BHATNAGARDefendant

Through: Mr Rishabh Kapur, Mr Tanmay Gupta, Advocates (through VC)
Defendant in person.

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

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05.02.2026

I.A. 26943/2025 (For Exemption)

1. Exemption allowed, subject to just exceptions.
2. Application is disposed of.

I.A. 26942/2025

3. The present application has been filed under Order VIII Rule 1 of the Code of Civil Procedure, 1908 ("CPC"), read with Section 151 CPC, read with Rule 4 of Chapter VII of the Delhi High Court (Original Side) Rules, 2018, for condonation of delay in filing the written statement by the defendant.
4. As per the application, there is delay of 52 days in filing the written



statement.

5. Learned counsel appearing for the plaintiffs submits that he has no objection if the delay is condoned.

6. Accordingly, with the consent of the parties, the delay of 52 days in filing the written statement is condoned.

7. The written statement filed on behalf of defendant is taken on record.

8. With the aforesaid directions, the present application is disposed of.

I.A. 26944/2025

9. The present application has been filed on behalf of defendant seeking condonation of delay in filing reply to application under Order XXXIX Rules 1 and 2, read with Section 151 CPC.

10. As per the application there is a delay of 54 days in filing the reply.

11. Learned counsel appearing for the plaintiffs submits that he has no objection if the delay is condoned.

12. Accordingly, with the consent of the parties, the delay of 54 days in filing reply to application, i.e., *I.A. 16333/2025*, under Order XXXIX Rules 1 and 2 of CPC, is condoned.

13. The reply to *I.A. 16333/2025* filed on behalf of the defendant is taken on record.

14. With the aforesaid directions, the present application is disposed of.

I.A. 3184/2026

15. The present application has been filed on behalf of the plaintiffs under Order XII Rule 6 read with Order XV Rule 1 CPC, for passing a decree on the basis of admissions of the defendant in the written statement, regarding the partition of the suit property, i.e., bearing no. 108, *Chitra Vihar, Vikas Marg, New Delhi-110092*.



16. Issue notice. Notice is accepted by learned counsel appearing for the defendant.

17. Let reply be filed, within a period of four weeks, from today.

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

CS(OS) 444/2025

19. The defendant, who is present in person, submits that he is unmarried and stays alone in the house. The father of the parties expired in the year 2005, while the mother expired way back in the year 1979.

20. The present suit has been filed by the other three brothers, i.e., plaintiffs, against their brother, i.e., defendant.

21. The suit property was built up and owned by the father of the parties.

22. This Court notes the submission made by the defendant, who is present in Court, that the defendant has been spending money for the upkeep of the suit property and has been paying the property tax towards the said property.

23. He further submits that there are certain movable assets also, of which no share has been given to the defendant.

24. This Court is of the view that since the defendant is unmarried, he has no other legal heirs, except the plaintiffs and their children.

25. Accordingly, the plaintiffs ought to make the endeavor to give the respective share from the movable assets to the defendant. Further, the plaintiffs also ought to consider transferring some lump sum amount to the defendant for the upkeep of the property.

26. Since the defendant is unmarried and staying alone in the suit property, the plaintiffs may also consider that the defendant be allowed to



stay in the property during his lifetime, without disturbing his peaceful possession of the property.

27. This Court expects the parties who are the four brothers, to mend their relationship with each other.

28. The defendant shall also make the endeavor to reach out to his brothers and to ensure that the parties live peacefully.

29. The parties are accordingly directed to bring a resolution before this Court, as to how the matter can be resolved.

30. The lawyers for the respective parties are at liberty to be in touch with each other, upon instructions from their clients.

31. Re-notify before the Court on 28th April, 2026.

MINI PUSHKARNA, J

FEBRUARY 5, 2026
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