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

+ **CS(OS) 727/2022 & I.A. 19503/2022 (O-VII R-14), I.A. 19504/2022 (O-XI R-14)**

ATUL SHARMA

..... Plaintiff

Through: **Mr. M. Sufian Siddiqui, Mr. Rakesh and Ms. Alva Veronica, Advocates**

versus

SEEMA SHARMA & ORS.

..... Defendants

Through:

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

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23.11.2022

I.A. 19505/2022 (Exemption)

1. Subject to the plaintiff filing the certified/ fair typed copies of the documents 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.

CS(OS) 727/2022

3. Let the plaint be registered as a suit.
4. Issue summons.
5. Summons in the suit be issued to the defendants through all modes.
6. The summons shall indicate that 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 plaintiff.

7. 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.

8. List before the Joint Registrar on 7th February, 2023 for completion of service and pleadings.

9. List before the Court on 27th April, 2023.

I.A. 19502/2022 (O-XXXIX R-1 & 2)

10. The present suit has been filed seeking relief of partition and other ancillary reliefs in respect of property bearing No.4, Ambica Vihar, Paschim Vihar, New Delhi-110087, measuring 272.22 square yards (suit property).

11. The aforesaid suit property was registered in the name of plaintiff, defendant No.4 and the deceased brother of the plaintiff, Manoj Sharma vide conveyance deed dated 6th March, 1995. Sh. Manoj Sharma expired on 20th January, 2021 leaving behind the defendants no.1, 2, 3 and 4 as his legal class I legal heirs.

12. A registered Gift Deed dated 1st December, 2021 was executed by the defendant no.4 in favour of the defendant no.1 qua her 1/3rd undivided share in the suit property. A legal notice dated 22nd August, 2022 was issued by the plaintiff to the defendant No.1 claiming 1/3rd share in the suit property. No response thereto has been received.

13. A *Prima facie* case has been made out in favour of the plaintiff. Consequently, till the next date of hearing, *status quo* shall be maintained by the parties in respect of the title and possession of the suit property.

14. Compliance under Order XXXIX Rule 3 of the Code of Civil



Procedure, 1908 (CPC) be done within five days.

15. List before the Joint Registrar on 7th February, 2023 for completion of service and pleadings.

16. List before the Court on 27th April, 2023.

AMIT BANSAL, J.

NOVEMBER 23, 2022

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