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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 461/2025 & I.A. 16814-16815/2025**

VIVEK CHOUDHARYPlaintiff
Through: **Ms. Shefali Kishore, Advocate**

versus

ADITYA GUJJAR & ANR.Defendants
Through: **None**

CORAM:
HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER
% **18.07.2025**

I.A. 16815/2025 (under Section 149 read with Section 151 of CPC on behalf of plaintiff)

1. Learned counsel for the plaintiff states that deficient court fee will be deposited within four (4) weeks.
2. The time sought is granted.
3. It is made clear that if the Court fee is not deposited within the extended time, the plaint shall stand rejected.
4. With the aforesaid directions, application stands disposed of.

CS(OS) 461/2025 & I.A. 16814/2025 (Under Order XXXIX Rule 1 and 2 CPC)

5. This is a suit filed for partition, declaration, possession, cancellation and mandatory injunction.
6. It is averred that the property area measuring 800sq yds, out of Khasra no. 616, situated at village Sabhapur in the abadi of Sabhapur extn., illaqa Shahdra, Delhi-110094 ('suit property') was purchased by the father of the plaintiff and defendant no. 1 jointly through customary documents such as



GPA, ATS, Will etc. from defendant no. 2. He states that plaintiff's father and defendant no. 1 are relatives.

7. It is stated that plaintiff's father died on 10.01.2018 and his ½ share in the suit property has devolved upon his legal heirs. He states that all the legal heirs have further transferred their share in favour of the plaintiff and relies upon a relinquishment deed and gift deed.

8. At the outset, learned counsel for the plaintiff states that the plaintiff is not seeking any relief against defendant no. 2 in this suit. She states that defendant no. 2 was impleaded only for the purpose of proving the documents of 2016 executed between the father of the plaintiff and defendant no. 1.

9. She states that defendant no. 2 may be deleted from the array of parties, while reserving the plaintiff's right to summon him as a witness during the trial.

10. At the oral request of the plaintiff, defendant no. 2 is hereby deleted from the array of parties. Liberty to summon the defendant no. 2 as a witness is hereby reserved to be exercised in accordance with law.

11. Let the amended memo of parties be filed within a period of one (1) week.

12. Let the plaint be registered as a suit.

13. Summons be issued to the sole defendant by all permissible modes on filing of process fee. Affidavit of service be filed within two weeks.

14. The summons shall indicate that the written statement must be filed within thirty days from the date of receipt of the summons. The defendant shall also file affidavits of admission/denial of the documents filed by the plaintiff, failing which the written statement shall not be taken on record.



15. The plaintiff is at liberty to file replication thereto within thirty (30) days after filing of the written statements. The replication shall be accompanied by affidavits of admission/denial in respect of the documents filed by the defendants, failing which the replication shall not be taken on record.

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

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

18. At the outset, learned counsel for the plaintiff states that plaintiff is not in possession of the suit property and states that the interim application, i.e., I.A. 16814/2025, may be taken up on the next date of hearing.

19. In the meantime, issue notice in I.A. 16814/2025 to the defendant through all modes. Reply be filed within four (4) weeks from receipt of notice.

20. List before the learned Joint Registrar for completion of service and pleadings on **25.08.2025**.

21. List before the Court on **27.11.2025**.

22. 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 18, 2025/rhc/AM