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

+ **CS(OS) 763/2022**

**SANTOSH**

..... Plaintiff

Through: Mr. Vikas Dudeja, Advocate.

versus

**SMT. PARVATI AND ORS**

..... Defendants

Through: None.

**CORAM:**

**HON'BLE MR. JUSTICE PRATEEK JALAN**

**ORDER**

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**07.12.2022**

**CS(OS) 763/2022**

1. The plaint be registered as a suit. Summons be issued to the defendants by all permissible modes on filing of process fee.
2. The summons shall indicate that the written statements must be filed within thirty days from the date of receipt of the summons. The defendants shall also file affidavits of admission/denial of the documents filed by the plaintiff, failing which the written statements shall not be taken on record.
3. The plaintiff is at liberty to file replications thereto within fifteen days after filing of the written statements. The replications shall be accompanied by affidavits of admission/denial in respect of the documents filed by the defendants, failing which the replications shall not be taken on record.

CS(OS) 763/2022

Page 1 of 3



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

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

6. List before the learned Joint Registrar for marking of exhibits on 18.01.2023.

7. List before the Court on 06.02.2023.

**I.A. 20595/2022 (Application under Order XXXIX Rule 1 & 2 seeking ad interim directions) &**

**I.A. 20596/2022 (Application under Order XXXIX Rule 10 seeking deposit of rent)**

1. Issue notice of these applications.

2. The plaintiff has instituted the present suit principally for partition of the estate of her late father, Shri Nafe Singh, who is stated to have died intestate on 01.05.2021. According to the plaintiff, Shri Nafe Singh left five Class-I legal heirs, being his wife [defendant No. 1], three sons [defendant Nos. 2 to 4], and one daughter [plaintiff]. A list of immovable and movable properties of plaintiff's deceased father has been incorporated in paragraphs 4 and 5 of the plaint respectively. The plaintiff claims that the defendants are depriving her of her 1/5<sup>th</sup> share in the estate of late Shri Nafe Singh.

3. In view of the aforesaid position, the plaintiff has made out a *prima facie* case for grant of a limited *ad-interim* order at this stage. The balance of convenience is also in favour of such relief being granted. I am satisfied that the plaintiff would suffer irreparable loss and injury if her interests are not protected. Therefore, *status quo* be maintained with



regard to title, possession and creation of any third party interest in the immovable properties mentioned in prayer (a) of I.A. 20595/2022.

4. As far as movable properties are concerned, the defendants are directed to maintain accounts in respect of the amounts lying in two bank accounts mentioned in prayer (b) of I.A. 20595/2022.

5. Replies to the applications may be filed within four weeks. Rejoinder thereto, if any, may be filed within two weeks thereafter.

6. Compliance with Order XXXIX Rule 3 of the Code of Civil Procedure, 1908 be made within five days.

7. The defendants may apply for vacation, variation or modification of this *ad-interim* order.

8. List on 06.02.2023.

**PRATEEK JALAN, J**

**DECEMBER 7, 2022**

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