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

+ **CS(OS) 613/2024**

SHILPI GUPTA

.....Plaintiff

Through: Mr.Ashish Aggarwal,
Mr.Himanshu Singh, Ms.Tanya
Jain, Ms.Himani Aggarwal,
Advs.

versus

SHANKAR BERIWAL & ORS.

.....Defendants

Through: Nemo

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **05.08.2024**

I.A. 35339/2024 (Exemption)

1. Allowed, subject to all just exceptions.

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2. Let the plaint be registered as a suit.

3. Issue summons to the defendants, to be served through all permissible modes, including through electronic mode and *dasti* as well, returnable on 15th October, 2024 before the learned Joint Registrar (Judicial).

4. The summons to the defendants shall indicate that the written statement(s) to the plaint shall be positively filed within a period of 30 days from the date of receipt of summons. Along with the written statement(s), the defendants shall also file the affidavit(s) of admission/denial of the documents of the plaintiff, without which the written statement(s) shall not be taken on record.



5. Liberty is given to the plaintiff to file the replication(s) within a period of 15 days of the receipt of the written statement(s). Along with the replication(s), if any, filed by the plaintiff, the affidavit(s) of admission/denial of documents of the defendants shall be filed by the plaintiff, without which the replication(s) shall not be taken on record.

6. If any of the parties wish to seek inspection of any documents, the same shall be sought and given within the timelines.

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7. Issue notice to the defendants, to be served through all permissible modes, including through electronic mode and *dasti* as well, returnable on 15th October, 2024 before the learned Joint Registrar (Judicial).

8. It is the case of the plaintiff that the plaintiff alongwith the defendants jointly purchased the suit property, that is, property bearing No. MP-98, Pitampura, Delhi-110034, by means of four separate Sale Deeds, all dated 04.02.2013. The plaintiff has 50% share in the suit property, whereas the defendant no.1 has 25% share, and the defendant nos.2 and 3 have 12.50% share each in the suit property.

9. Having considered the contents of the plaint and the documents filed therewith, and also having heard the learned counsel for the plaintiff, I am of the opinion that the plaintiff has been able to make out a good *prima facie* case in her favour. The balance of convenience is also in favour of the plaintiff and against the defendants. The plaintiff is likely to suffer a grave irreparable injury in case an *ad interim ex-parte* injunction is not granted.

10. Accordingly, the parties to the suit are directed to maintain the



status quo with respect to the title and possession of the above mentioned suit property, till further orders.

11. Let reply(ies) to the application be filed by the defendants within a period of four weeks of receipt of the notice. Rejoinder thereto, if any, be filed within a period of three weeks thereafter.

12. Compliance with Order XXXIX Rule 3 of the Code of Civil Procedure, 1908 be made within a week from today.

NAVIN CHAWLA, J

AUGUST 5, 2024/Arya/SJ

Click here to check corrigendum, if any