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

+ **CS(OS) 663/2024**

**ARVINDER SINGH BAINS**

.....Plaintiff

Through: Mr. Rohit Nagpal and Mr. Krish  
Mahajan, Advocates

versus

**INDERPAL SINGH BAINS & ANR.**

.....Defendants

Through: None

**CORAM:**

**HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA**

**ORDER**

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**24.03.2025**

**I.A. 37079/2024 (for exemption)**

1. The registry is directed to note that the said application already stands disposed of vide order dated 22.08.2024 and therefore, the same need not be shown pending in the cause-list.

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2. Learned counsel for the Plaintiff states that he has instructions to submit that the Plaintiff does not intend to pursue his claim for movables forming part of the estate of Late Manjit Singh Bains. He states the plaintiff does not wish to file any application for amendment of the plaint and to that extent, the averments qua movables made in the plaint be ignored.

3. The statement of the Plaintiff is taken on record and it is hereby directed that any averments made in the plaint qua the movable estate of Late Manjit Singh Bains is deemed to be hereby abandoned.

4. Learned counsel for the Plaintiff states that the Plaintiff has served



Defendant Nos. 1 and 2 on a common mobile number through WhatsApp on 27.08.2024.

5. None appears on behalf of the Defendants despite advance service.

6. The present suit has been filed seeking partition of the following properties (which reads as under:

(i) Property Bearing No. F-9/F, DDA Flats, Munirka, New Delhi-110067  
[‘**suit property no. 1**’]

(ii) F-9/E, DDA Flats, Munirka, New Delhi-110067 [‘**suit property no. 2**’]

7. Learned counsel for the Plaintiff states that the Plaintiff is not in possession of the title documents with respect to both suit property no. 1 and suit property no. 2.

7.1. He further states that in respect of the said title documents, a separate application I.A. 37080/2024 has been filed for directing the Defendants to produce and disclose the title documents pertaining to suit properties which are in their possession.

7.2. Learned counsel for the Plaintiff states that both the suit properties are in actual physical possession of Defendant No. 1 and Defendant No. 2. He states that as per the instructions of the Plaintiff, the suit properties are lying locked.

8. It is noted at the outset that the Plaintiff admits that suit property no. 2 stands in the name of the mother i.e., Defendant No. 2. Therefore, prima facie, the Plaintiff cannot have any claim in the suit property no. 2 during the lifetime of his mother. This issue will be deliberated further once the Defendant No. 2 has entered appearance.

9. At this stage, it is further clarified that the rigours of Section 52 of Transfer of Property Act, 1882 will not apply to suit property no. 2 due to



pendency of this suit since the Plaintiff has, prima facie, failed to show cause of action qua the said property.

10. Let the plaint be registered as a suit qua suit property no. 1 only. Summons be issued to the Defendant Nos. 1 and 2 by all permissible modes. In addition, through Ministry of External Affairs (MEA). Affidavit of service be filed within two (2) weeks.

11. The summons shall indicate that the written statement(s) must be filed within thirty (30) days from the date of receipt of the summons. The Defendant(s) shall also file affidavits of admission/denial of the documents filed by the Plaintiff, failing which the written statement(s) shall not be taken on record.

12. The Plaintiff is at liberty to file replication(s) thereto within thirty (30) days after filing of the written statement(s). The replication(s) shall be accompanied by affidavit of admission/denial in respect of the documents filed by the Defendants, failing which the replication(s) shall not be taken on record.

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

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

15. List before the Joint Registrar (J) on **21.04.2025**.

16. List before Court on **11.08.2025**.

**I.A. 37077/2024 (under Order XXXIX Rules 1 and 2 CPC)**

17. This is an application filed by the Plaintiff under Order XXXIX Rules 1 and 2 CPC for seeking ad-interim exparte stay restraining the Defendants from creating third party interest in the suit properties.



18. Keeping in view the fact that there is no title document whatsoever filed on record with the plaint, therefore, the captioned application will be taken up for consideration for relief after the Defendants have entered appearance and place the documents on record. This is acceptable to the counsel for the Plaintiff.

19. List before the Joint Registrar (J) on **21.04.2025**.

20. List before Court on **11.08.2025**.

**MARCH 24, 2025/msh/ms**

**MANMEET PRITAM SINGH ARORA, J**

*Click here to check corrigendum, if any*