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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 687/2024**
SHWETA GOEL AND ORSPlaintiffs
Through: Mr.Bhupesh Narula, Mr.Rinku
Narula & Mr.Sunny Arora,
Advs.

versus

KAMINI GOEL AND ORSDefendants
Through: None.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

% **ORDER**
29.08.2024

CS(OS) 687/2024

1. Let the plaint be registered as a suit.
2. Issue summons to the defendants, to be served through all permissible modes, including through electronic mode and *dasti* as well, returnable on 26th November, 2024 before the learned Joint Registrar (Judicial).
3. 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.
4. 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 plaintiffs, the affidavit(s) of admission/denial of documents of the defendant(s) shall be filed by the plaintiffs, without which the replication(s) shall not be taken on record.

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

I.A. 37625-26/2024

6. Issue notice to the defendants, to be served through all permissible modes, including through electronic mode and *dasti* as well, returnable on 26th November, 2024 before the learned Joint Registrar (Judicial).

7. It is the case of the plaintiffs that Shri Chaman Lal was the erstwhile owner of the two properties bearing no. 87A & 88 adjoining one another, total admeasuring 428 Sq. yds, out of rectangle no. 16 Killa no.28/1, Village khureji Khas, Anarkali Garden, Illaqa Shahdara Delhi, now known as 87 A & 88, Anarkali Garden, Jagatpuri, Delhi (hereinafter referred as a 'suit land'), which he had purchased from one Sh. Ajudhia Nath S/o Sh. Narotam Dass via sale deed registered as registration no. 922 additional book no. 1 volume no. 883 page no. 106 to 108 dated 25.01.1963. The said property was sold by Sh. Chaman Lal to the father of plaintiff no.1, namely, Shri Parmeshwar Swaroop Goel, and the uncle of plaintiff no.1, namely, Shri Mahesh Kumar Goel, who is also the husband of defendant no.1 and father of plaintiff nos.2 to 4, on 13.03.1985. Shri Parmeshwar Swaroop Goel



unfortunately passed away on 20.10.2000, leaving behind his wife, Smt. Shashi Goel, and the plaintiffs as his legal heirs. Smt. Shashi Goel is claimed to have executed the Relinquishment Deed dated 11.03.2024, relinquishing the share inherited by her from Shri Parmeshwar Swaroop Goel in the said property in favour of plaintiff no.1 herein.

8. Shri Mahesh Kumar Goel also passed away on 31.03.2023, leaving behind defendant nos.1 to 4 as his legal heirs. The plaintiffs claim that plaintiffs have now come to know that based on the incorrect/alleged Power of Attorney, defendant nos.1 to 4 have executed Sale Deeds dated 09.01.2008 and 25.01.2010 in favour of defendant nos.5 to 7. The plaintiffs apprehend that the defendants may further alienate the suit property in order to defeat the rights of the plaintiffs.

9. I have considered the submissions made by the learned counsel for the plaintiffs and have perused the pleadings and the documents filed.

10. It is an admitted case of the plaintiffs that registered Sale Deeds in favour of defendant nos.5 to 7 were executed way back on 09.01.2008 and 25.01.2010. At the same time, the documents do *prima facie* show that the father of the plaintiffs had a right in the suit property.

11. Keeping in view the above circumstances, I am of the opinion that the plaintiffs have been able to make out a good *prima facie* case in their favour and against the defendant nos.1 to 4. The balance of convenience is also in favour of the plaintiffs and against the



defendant nos.1 to 4. The plaintiffs are likely to suffer a grave irreparable injury in case an *ex-parte ad interim* injunction is not granted.

12. Accordingly, the defendant nos.1 to 4 and the plaintiffs are directed to maintain *status quo* with respect to the title of the suit property till further orders. It is also clarified that presently no order of injunction is passed against defendant nos.5 to 7 as they have admittedly purchased the suit property in January 2008 and January 2010 by way of registered documents.

13. 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.

14. Compliance of Order XXXIX Rule 3 of the CPC be made within a period of three days from today.

NAVIN CHAWLA, J

AUGUST 29, 2024/rv/DG

[Click here to check corrigendum, if any](#)