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

+ **CS(OS) 696/2024 & I.A. 37956/2024**

LALIT KUMAR RAWALPlaintiff

Through: Mr.Vikram Singh Dahiya,
Mr.Rajeshwar Nagpal,
Mr.Vansh Nagpal, Advs.

versus

AKSHAY KUMAR RAWAL & ANR.Defendants

Through: Nemo

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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02.09.2024

1. Let the plaint be registered as a suit.
2. Issue summons of the suit and notice on the application to the defendants, to be served through all permissible modes, including through electronic mode, returnable on 10th December, 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 plaintiff, the affidavit(s) of



admission/denial of documents of the defendant(s) shall be filed by the plaintiff, 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.

6. The present suit has been filed by the plaintiff *inter alia* praying for a decree of partition of the immovable property and recovery of mesne profit.

7. It is the case of the plaintiff that the suit property, that is, property bearing no. 29/134, West Patel Nagar, New Delhi having a plot area of 83.61 sqm and the superstructure constructed over of a three storied building, was inherited by late Sh. Sunder Lal Rawal, the father of the parties herein, from the late grandfather of the parties Sh. Thakur Das Rawal. Mr.Sunder Lal Rawal unfortunately expired on 08.01.2017. The mother of the parties Smt. Satya Rani Rawal unfortunately expired on 20.06.2018. It is further stated that the defendant no.1 was occupying the ground floor of the suit property. He rented out all the other floors of the suit property, keeping with him the rent received, while assuring that the same shall be shared with the plaintiff at a later date. On 25th August, 2022, the defendant no.2 has executed a registered Gift Deed of her 1/3rd undivided share in the suit property in favour of the defendant no.1. The plaintiff now seeks partition of the above property.

8. 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 his 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 *ex-parte ad interim* injunction is not granted.

9. Accordingly, the parties to the suit are directed to maintain the *status quo* with respect to the title of the above mentioned suit property, till further orders. The defendants shall also not part with the possession of the above mentioned suit property by creating any fresh lease or otherwise in favour of any third party, till further orders.

10. 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.

11. Compliance of Order XXXIX Rule 3 CPC be made within a week from today.

NAVIN CHAWLA, J

SEPTEMBER 2, 2024/Arya/DG

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