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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(OS)883/2023, I.A. 26274/2023, I.A. 29872/2024 & I.A. 40598/2024

PREETI KAPOORPlaintiff

Through: Mr. Gaurav Bahl, Advocate

versus

SANJAY JAIN HUF & ORS.Defendants

Through: Mr. Sahil Mongia, Ms. Sanjana
Samor and Mr. Yash Yadav,
Advocates for D-1 and D-2

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **20.11.2024**

CS(OS) 883/2023

1. Learned counsel for defendant nos. 1 and 2 states that he is also representing the legal representatives of deceased defendant no. 3.

1.1. He states that he will file his written statement on behalf of the legal representatives of defendant no. 3 within a period of two (2) weeks from today.

1.2. He states that the suit property no. 943, Faiz Road, Karol Bagh, New Delhi - 110005, admeasuring approx. 233 sq. yds was purchased in the name of the plaintiff, defendant nos. 1 to 3 and late Mrs. Anita Kapoor.

1.3. He states that defendant nos. 1 and 2 and legal representatives of defendant no. 3 do not dispute the undivided share of the plaintiff to the extent of 20% as it is recorded in the Sale Deed relied upon by the defendants as well for their title.

1.4. He states that with respect to the share of Mrs. Anita Kapoor, the plaintiff has averred that the said share has been gifted to her. He states that, however, the defendants herein do not have any personal knowledge of the



said gift deed.

1.5. He states that the suit property has been let out and defendants are collecting Rs. 80,000/- per month as rent.

2. Learned counsel for the plaintiff states that the copy of the registered gift deed executed by Mrs. Anita Kapoor in favour of the plaintiff has been placed on record. He states that thus the plaintiff has an undivided 40% share in the suit property.

3. In addition to the written statement, the legal heirs of defendant no. 3 are directed to carry out the admission/denial of the documents filed by the plaintiff within a period of two (2) weeks from today.

4. In view of the admitted facts, it appears to this Court that there is no impediment in passing a preliminary decree declaring the shares of the plaintiff and the defendants. The said decree will be passed on the next date of hearing after perusing the written statement of the legal representatives of defendant no. 3.

5. List on **30.01.2025**.

6. Interim orders to continue.

I.A. 26274/2023 (under Order XXXIX Rules 1 and 2 CPC)

7. Learned counsel for the plaintiff states that in view of the submissions of the counsel for the defendant nos. 1 and 2 and legal representatives of defendant no. 3 that the defendants are receiving a monthly rental of Rs. 80,000/- for the suit property and the documents show plaintiff herein is entitled to 40% owner; thus, the plaintiff is entitled to 40% share from the said amount of Rs. 80,000/- collected per month.

8. This Court has considered the submissions of the parties.

9. On a prima facie consideration of facts and materials placed on record



the defendants are directed to render rendition of accounts to the plaintiff herein for the rental amounts collected for the suit property with effect from January, 2022 until 31st November 2024.

10. Learned counsel for the defendant states that the accounts will be rendered for the rental amounts to the plaintiff within a period of two (2) weeks.

11. Upon reconciliation, the amounts found due and payable to the plaintiff for the period January, 2022 to 31st November 2024 will be remitted to the plaintiff within four (4) weeks.

12. It is directed that pending the re-conciliation and rendition of accounts towards the rental amount from the period January, 2022 to 31st November 2024; the defendant nos. 1 and 2 and legal representatives of defendant no. 3 will however, immediately start remitting 40% of the rental amount to the plaintiff w.e.f. 01.12.2024 and so on. The amount for the month of December, 2024 will be paid on or before 15.12.2024. The defendants will continue to pay the said amount for each subsequent month on or before the 15th of the said month until final disposal of this application.

13. List on **30.01.2025**.

14. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of order shall be insisted by any authority/entity or litigant.

MANMEET PRITAM SINGH ARORA, J
NOVEMBER 20, 2024/msh/ms

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