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

+ **CS(OS) 536/2025 I.A. 19665/2025**

SH. ASHOK KOHLI

THROUGH HIS SPA SUMIT KOHLI

.....Plaintiff

Through: Mohd. Azhar and Mr. Rupesh Khanna,
Advocates along with Mr. Sumit Kohli
in person.

versus

KAMLESH (SINCE DECEASED)

THROUGH HER LRS AND ORS

.....Defendants

Through: D-1(a), D-4(b) & D-5(a) in person.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

% **28.08.2025**

CS(OS) 536/2025

1. Pursuant to the order passed by this Court on 13th August, 2025, the plaintiff has served the defendants.
2. An affidavit of service has been filed in this regard.
3. Ms. Jyoti Batra [defendant no.1 (a)], Mr. Hunny Kohli [defendant no.4 (b)] and Mr. Madan Mohan Mehta [defendant no.5 (a)], are present in Court and support the case of the plaintiff for partition.
4. Let the plaint be registered as a suit.
5. Issue summons.
6. Summons are accepted on behalf of the said defendants, who waive the issuance of formal summons.
7. Summons be issued to the defendants no.2 and 3 through all permissible modes. Affidavit of service be filed within two (2) weeks.
8. The summons shall state that the written statement(s) shall be filed by



the defendants within thirty (30) days from the date of the receipt of summons. Along with the written statement(s), the defendants shall also file affidavit of admission/denial of the documents of the plaintiff, without which the written statement(s) shall not be taken on record.

9. Liberty is given to the plaintiff to file replication, if any, within thirty (30) days from the receipt of the written statement(s). Along with the replication filed by the plaintiff, affidavit of admission/denial of the documents of the defendants be filed by the plaintiff.

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

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

12. List before the Joint Registrar on 4th November, 2025 for completion of service and pleadings.

13. List before the Court on 18th February, 2026.

I.A. 19665/2025 (u/O-XXXIX Rule 1 & 2 of Code of Civil Procedure, 1908)

14. The present suit has been filed seeking partition along with other ancillary reliefs.

15. The plaintiff seeks partition of the properties owned by late Sh. Tilak Raj Kohli and his wife late Smt. Ram Kali.

16. Sh. Tilak Raj Kohli expired on 8th June, 2022 leaving behind the plaintiff and the defendants as his legal heirs. He was the absolute owner of the properties bearing no. WZ-557 and WZ-525, Rishi Nagar, Rani Bagh, New Delhi-110034 ('suit properties').

17. Sh. Tilak Raj Kohli also had certain Fixed Deposits, Bank Accounts, Post Office savings, details of which are given in paragraph 6 of the plaint.



18. After the demise of Sh. Tilak Raj Kohli, the plaintiff demanded partition by metes and bounds of the aforesaid movable and immovable properties of the deceased. The plaintiff has recently come to know that defendant no.3 is attempting to sell one of the properties which is in his occupation.

19. In view of the above facts, a *prima facie* case is made out on behalf of the plaintiff.

20. Balance of convenience is also in favour of the plaintiff and against the defendant.

21. *Status quo* with regard to title and possession shall be maintained in respect of the aforesaid suit properties as well as the movable assets of late Sh. Tilak Raj Kohli as detailed in paragraph 6 of the plaint.

22. Issue Notice.

23. Notice is accepted on behalf of the defendant no.1 (a), defendant no.4 (b) and defendant no.5 (a).

24. Notice be issued to the defendants no.2 and 3 *via* all permissible modes, including e-mail.

25. Reply(ies) be filed within four (4) weeks.

26. Rejoinder(s) thereto, if any, be filed within two (2) weeks thereafter.

27. Compliance of Order XXXIX Rule 3 CPC shall be done within a period of three (3) days from today.

28. List before the Joint Registrar on 4th November, 2025 for completion of service and pleadings.

29. List before the Court on 18th February, 2026.

AMIT BANSAL, J

AUGUST 28, 2025/Rzu