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

+ **CS(OS) 540/2025**

**SH. AKSHAY & ORS.**

.....Plaintiffs

Through: Advocate (appearance not given).

versus

**MS. MAMTA & ORS.**

.....Defendants

Through: Mr. Rajinder Juneja, Advocate for D-1 along with D-1 in person.

**CORAM:**

**HON'BLE MR. JUSTICE AMIT BANSAL**

**ORDER**

% **20.08.2025**

**CS(OS) 540/2025**

1. Pursuant to the order passed by this Court on 14<sup>th</sup> August, 2025, the plaintiff has served the defendants.
2. The defendant no.1 is present in Court and is represented by a counsel.
3. Let the plaint be registered as a suit.
4. Issue summons.
5. Summons are accepted by counsel appearing for the defendant no.1.
6. Summons be issued to the remaining defendants through all permissible modes.
7. 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 plaintiffs, without which the written statement(s) shall not be taken on record.

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

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

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

11. List before the Joint Registrar on 30<sup>th</sup> October, 2025.

12. List before the Court on 10<sup>th</sup> February, 2026.

**I.A. 19843/2025 ((u/O XXXIX Rules 1 and 2 of CPC)**

13. The present suit has been filed seeking partition of the properties belonging to the mother of the parties along with other ancillary reliefs.

14. The plaintiffs and the defendants are the children of Late Smt. Bhojwati, who expired on 18<sup>th</sup> February, 2025.

15. As per the plaint, the details of the properties left behind by the deceased mother are as under:

| S.no. | Particulars of properties owned by deceased mother                                                                                                                                                                                                |
|-------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| a.    | H. No. 1/1419/J-3 (old plot no. 3). Area measuring 100 Sq. Yds. i.e. 83.61 Sq. Mtr. Out of Khasra No. 300 situated in the revenue estate of village Chandrawali, alias Shahdara, in the abadi of Manasarovar Park, Illaqa Shahdara, Delhi-110032. |



|    |                                                                                                                                                                                                                                                  |
|----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| b. | Property/plot No. 7 out of Khasra No. 22/4, area measuring 208 Sq. Yds. i.e. 173.90 Sq. Mtr. Situated at in the area of village Mandoli, in the abadi of Harsh Vihar, Illaqa Shahdara, Delhi-110093.                                             |
| c. | Property No. 574-B, Second Floor, Old No. 1 to 29 & 33 to 39, out of Khasra No. 113, 114, 115, 116, 119, 127/2/12/1, 1140/126, 2939/117, situated at Village Chandrawali, in the abadi Moti Ram Road, Ram Nagar, Illaqa, Shahdara, Delhi-110032. |

16. It is the case of the plaintiffs that the deceased mother of the parties had executed a registered Will dated 30<sup>th</sup> January, 2023, wherein she had bequeathed properties at S.no. 'a' and 'b' above, in favour of the plaintiffs. Subsequently, the defendants in collusion with each other, shifted the mother to Bareilly, Uttar Pradesh and made her cancel the earlier registered Will. Thereafter, a gift deed was executed by the deceased mother in favour of the defendants in respect of the properties that were the subject matter of the Will.

17. It is stated by the counsel for the plaintiffs that the defendants have exercised undue influence to get the mother to cancel the earlier Will and execute the Gift Deed in their favour.

18. Counsel appearing on behalf of the defendant no.1 submits that the property at S.no. 'b' above was bequeathed by the deceased mother in favour of the defendant no.1 through a registered Will. He further submits that the said property has been sold by the defendant no.1 on 14<sup>th</sup> June, 2025, through a registered sale deed.

19. Along with the written statement, the defendant no.1 shall place on



record the registered Will on the basis of which the property at S.no 'b' was bequeathed by the deceased mother in favour of the defendant no.1, as also all the documents pursuant to which the said property was sold by the defendant no.1.

20. The written statement shall also disclose the consideration received by the defendant no.1 for the sale of the aforesaid property.

21. Counsel for the plaintiff submits that the plaintiff is in part possession of the property at S.no. 'b', which is disputed by the counsel for the defendant no.1.

22. Issue Notice.

23. Notice is accepted by counsel appearing on behalf of the defendant no.1.

24. Notice be issued to the remaining defendants through all permissible modes.

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

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

27. Insofar as properties at S.no. 'a' and 'c' are concerned, *status quo* with regard to the title and possession shall be maintained till the next date of hearing.

28. Compliance under Order XXXIX Rule 3 of the Code of Civil Procedure, 1908 shall be done within three (3) days from today.

29. List before the Joint Registrar on 30<sup>th</sup> October, 2025.

30. List before the Court on 10<sup>th</sup> February, 2026.

**AMIT BANSAL, J**

**AUGUST 20, 2025/Rzu**