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

+ **CS(OS) 4/2024**

KUSUM SINGH

..... Plaintiff

Through: Mr. B.K. Shahi, Advocate.

versus

VINOD KUMAR SINGH

..... Defendant

Through: None.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **04.01.2024**

I.A. 119/2024 (for exemption)

The application for exemption is allowed, subject to the plaintiff granting inspection of the documents filed, as and when required to do so, or filing the original documents at the stage of admission/denial.

The application stands disposed of.

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1. The plaint be registered as a suit. Issue summons to the defendant by all permissible modes on filing of process fee.
2. The summons shall indicate that written statement must be filed within thirty days from the date of receipt of summons. The defendant shall also file affidavit of admission/denial of the documents filed by the plaintiff, failing which the written statement shall not be taken on record.
3. The plaintiff is at liberty to file replication thereto within fifteen days after filing of the written statement. The replication shall be

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accompanied by affidavit of admission/denial in respect of the documents filed by the defendant, failing which the replication shall not be taken on record.

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

5. Any party seeking inspection of documents may do so in accordance with the Delhi High Court (Original Side) Rules, 2018.

6. List before the Joint Registrar for completion of service and pleadings, marking of exhibits and admission/denial of documents on 11.03.2024.

7. List before the Court on 09.04.2024.

I.A. 118/2024 (under Order XXXIX Rule 1 and 2 of CPC)

1. Issue notice. Notice may be served upon the defendant by all permissible modes.

2. The plaintiff seeks partition of the suit property [*House no. 680, Bhola Nagar, Kotla Mubarkpur, New Delhi-110003, (old no. F-318)*] stated to have been owned by her mother, i.e. late Smt. Vedwati Singh. It is stated in the plaint that Smt. Vedwati Singh died intestate on 29.11.2014. The defendant is the bother of the plaintiff and the only other legal heir of the deceased.

3. The plaintiff has placed on record a copy of an electricity bill in respect of the suit property issued in the name of the deceased. The plaintiff, through counsel, addressed two legal notices to the defendant seeking partition of the property. The legal notices dated 07.07.2022 and 01.08.2022 have been placed on record. Mr. B.K. Shahi, learned counsel for the plaintiff, states that the said notices failed to elicit a response.



4. The defendant is at liberty to file a reply to the application within four weeks after service. Rejoinder thereto, if any, be filed within two weeks thereafter.

5. Having regard to the contentions recorded above, the plaintiff has made out a *prima facie* case for grant of an *ad-interim* order of *status quo*. I am satisfied that the plaintiff will suffer irreparable loss and injury if third party interests are created in the suit property before the next date of hearing. The balance of convenience is also in favour of an interim order of *status quo* being passed. The parties are, therefore, directed to maintain *status-quo* with regard to title, possession, nature and character of the suit property until the next date of hearing.

6. Provisions of Order XXXIX Rule 3 of the Code of Civil Procedure, 1908 be complied with within one week from today.

7. List before the Joint Registrar for completion of service and pleadings on 11.03.2024.

8. List before the Court on 09.04.2024.

PRATEEK JALAN, J

JANUARY 4, 2024

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