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

+ **CS(OS) 546/2025 & I.A. 20096/2025, I.A. 20097/2025**

MANAS MADAN

.....Plaintiff

Through: Mr. Raghu Tandon & Ms. Divya
Bansal, Advocate with plaintiff in-
person.

versus

MOHINI MADAN & ANR.

.....Defendants

Through:

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

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19.08.2025

I.A. 20097/2025 (exemption from filing originals/ certified copies of documents)

1. Allowed, subject to the plaintiff filing copies of the documents, within four (4) weeks from today.
2. The plaintiff is exempted from filing originals at this stage.
3. The application stands disposed of.

CS(OS) 546/2025

4. Let the plaint be registered as a suit.
5. None appears on behalf of defendants despite advance notice.
6. Issue summons.
7. Summons be issued to the defendants 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 27th October, 2025, for completion of service and pleadings.

13. List before the Court on 3rd February, 2026.

I.A. 20096/2025 (u/O-XXXIX Rule 1 & 2 of Code of Civil Procedure, 1908)

14. The present suit has been filed for partition, along with ancillary reliefs.

15. The plaintiff is the son of Late Shri Yash Pal Madan, who expired on 20th January, 2024.

16. Defendant no. 1 is the mother of the plaintiff and defendant no. 2 is the sister of the plaintiff.

17. By way of the present suit, the plaintiff seeks partition of the property bearing no. *F-5, 2nd Floor, Street No. 28, Madhu Vihar, Patparganj, East District, New Delhi - 110092*.

18. It is the case of the plaintiff that in terms of an oral family settlement the defendants have already received a substantial sum of money from the sale



proceeds of an Industrial property located in Sector 83, Noida, and that the remaining movable and immovable properties of the deceased were to come to the share of the plaintiff.

19. At the time of his death, the father of the plaintiff owned the following properties:-

a. *Residential House bearing No. F-5, 2nd Floor, Street No. 28, Madhu Vihar, Patparganj, East District, New Delhi – 110092.*

b. *Residential House bearing Flat No. 309, 3rd Floor Ganpati Apartment, Saptasarover Road, Bahratmata Road, Sadhubela, Haridwar, Uttarakhand – 249410.*

c. *Residential House bearing House B – 143, Sector 92, Noida, Gautambudh Nagar, Uttar Pradesh – 201304.*

d. *An Industrial Plot in UNA built on Khasara No. 52, Village Bela Bathri, Tahliwal, Una District, Una, Himachal Pradesh.*

e. *Fixed Deposit Receipts, dated 19.12.2023 bearing Receipt Nos. 42536893934, 42536865022, 42536856277, 42536857566 and 42536897010 amounting to INR 1,95,00,000/- (Indian Rupees One Crore Ninety-Five Lakhs).*

20. Plaintiff seeks partition in respect of property at serial no. a, and in terms of the family settlement, he claims that properties at b, c, d and e are to come to his share.

21. Based on the aforesaid narration of facts, a *prima facie* case is made out in favour of the plaintiff.

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



23. None appears on behalf of the defendants despite advance notice.
24. Issue Notice.
25. Notice be issued to the defendants through all permissible modes.
26. Reply(ies) to be filed within four (4) weeks from today.
27. Rejoinder thereto, if any, be filed in three (3) weeks thereafter.
28. The parties shall maintain *status quo* with regard to title and possession in respect of all the aforesaid properties, till the next date of hearing.
29. Compliance under Order XXXIX Rule 3 of Code of Civil Procedure, 1908, shall be done within three (3) days.
30. List before the Joint Registrar on 27th October, 2025, for completion of service and pleadings.
31. List before the Court on 3rd February, 2026.

AMIT BANSAL, J

AUGUST 19, 2025

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