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

+ **CS(OS) 759/2024 & I.A. 40095-40096/2024**

RAJEEV GUPTA

.....Plaintiff

Through: Mr. Rishi K. Awasthi, Mr. Amit
Vikram Awasthi and Mr. Prabhakar
Thakur, Advocates

versus

MR SANJAY GUPTA AND ANOTHER

.....Defendants

Through: None

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **23.09.2024**

I.A. 40096/2024 (for exemption)

1. Plaintiff shall file legible and clearer copies of exempted documents, compliant with practice rules, before the next date of hearing.
2. The application for exemption is allowed, subject to the plaintiff granting inspection of the documents filed, as and when required to do so.
3. The application stands disposed of.

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4. The plaint be registered as a suit.
5. Issue summons to the defendants by all permissible modes on filing of process fee. Affidavit of service be filed within two (2) weeks.
6. The summons shall indicate that the written statements must be filed within thirty (30) days from the date of receipt of the summons. The defendants shall also file affidavits of admission/denial of the documents filed by the plaintiff, failing which the written statements shall not be taken

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on record.

7. The plaintiff is at liberty to file replication thereto within thirty (30) days after filing of the written statements. The replication shall be accompanied by affidavit of admission/denial in respect of the documents filed by the defendants, failing which the replication shall not be taken on record.

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

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

10. List before the learned Joint Registrar (J) on 28.11.2024.

11. List before the Court on 24.02.2025.

I.A. 40095/2024 (under Order XXXIX Rules 1 and 2 CPC for stay)

12. This is an application filed by the plaintiff under Order XXXIX Rules 1 and 2 Code of Civil Procedure, 1908 ('CPC').

13. The present suit has been filed seeking partition of the estate of late. Smt. Kusum Gupta (i.e., mother of the parties) who died on 27.12.2015 and late Sh. Madhu Sudan Gupta (i.e., father of the parties) who died on 18.10.2013. It is stated that the plaintiff and the defendants are siblings. It is stated that the both the mother and father of the parties died intestate and accordingly, the plaintiff and defendants are entitled to an undivided 1/3rd share each in the suit properties.

14. Learned counsel for the plaintiff states that the sale deed of each of the nine (9) properties mentioned in the Schedule I have been placed on record and the same evidence that each of these properties were standing in the name of late Smt. Kusum Gupta.



15. In view of the assertions made in the plaint as well as the documents filed on record, the plaintiff has made out a *prima facie* case for grant of injunction. Accordingly, the parties are directed to maintain status quo with respect to title and possession until the next date of hearing.
16. Compliance of Order XXXIX Rule 3 CPC be made within one (1) week.
17. Issue notice to defendants. Let the notice state that the defendants shall file their reply within thirty (30) days from the receipt of notice. Rejoinder, if any, be filed within four (4) weeks thereafter.
18. List before the learned Joint Registrar (J) on 28.11.2024.
19. List before the Court on 24.02.2025.

MANMEET PRITAM SINGH ARORA, J
SEPTEMBER 23, 2024/msh/sk
Click here to check corrigendum, if any