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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 776/2024**
DEEPAK SAHNI & ORS.Plaintiffs
Through: Mr. Himanshu Upadhyay and Ms.
Ruby Sharma, Advs.

versus
ROHIT SAHNI & ORS.Defendants
Through:

CORAM:
HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

% **27.09.2024**

CS(OS) 776/2024

1. The plaint be registered as a suit.
2. On filing of process fee, summons be issued to the defendants by all permissible modes.
3. The summons shall indicate that written statement must be filed within thirty days from the date of receipt of summons. The defendants shall also file an affidavit of admission/denial of the documents filed by the plaintiffs, failing which the written statement shall not be taken on record.
4. The plaintiffs are at liberty to file replication thereto within thirty days after filing of the written statement. 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.
5. It is made clear that any unjustified denial of documents may lead to an order of costs against the concerned party.
6. Any party seeking inspection of documents may do so in accordance with the Delhi High Court (Original Side) Rules, 2018.
7. List before the learned Joint Registrar for completion of service,



pleadings, admission/denial of documents and marking of exhibits on 02.12.2024.

8. List before Court after completion of pleadings on 03.02.2025.

I.A. 40627/2024 (seeking interim injunction under Order XXXIX Rule (1) & (2) read with Section 151 CPC)

9. Issue notice to the defendants, by all permissible modes.

10. The present suit has been filed *inter alia* seeking partition of the suit property bearing House No. 1648, Gali No.33, Naiwala, Karol Bagh, Delhi, which was owned by Late Om Prakash Sahni, who died intestate leaving behind two sons namely, Rajiv Sahni and Sunil Sahni. Rajiv Sahni expired on 07.09.2023 leaving behind the plaintiffs as his legal heirs, whereas Sunil Sahni also expired in August 2024 leaving behind the defendants as his legal heirs.

11. The learned counsel for the plaintiffs submits that earlier Rajiv Sahani, as well as, Sunil Sahni were having a joint business but after the death of Rajiv Sahni, Sunil Sahni refused to settle the accounts with the plaintiffs and after the death of Sunil Sahni, the defendants are making endeavour to dispose of the suit property without the consent of the plaintiffs.

12. He submits that the plaintiffs have a serious apprehension that the defendants will create third party interest before the next date to frustrate the present suit. He, therefore, urges the Court to protect the interest of the plaintiffs by granting *ad interim* relief.

13. Having regard to the fact that the plaintiffs are the legal heirs of Late Rajiv Sahni, who was the son of Late Sh. Om Prakash Sahni, they would ordinarily be entitled to the share in the suit property, therefore, I am of the view that the plaintiffs have made out a *prima facie* case for grant of *ad*



interim order of status quo.

14. The balance of convenience also lies in favour of the plaintiffs. I am satisfied that the plaintiffs will suffer an irreparable loss and injury if third party interests are created by the defendants in the suit property before the next date.

15. The parties are, therefore, directed to maintain *status quo* as to the title and possession of the suit property, till the next date.

16. Provisions of Order XXXIX Rule 3 CPC be complied with *qua* the defendants within ten days from today and affidavit of compliance be filed within a period of three days thereafter.

17. Defendants may file replies to the application within four weeks on receipt of notice. Rejoinder thereto, if any, be filed within a period of four weeks thereafter. The defendants will be at liberty to apply for variation, vacation and modification of this order, if any.

18. List before the learned Joint Registrar for completion of service and pleadings on 02.12.2024.

19. List before Court after completion of pleadings on 03.02.2025.

VIKAS MAHAJAN, J

SEPTEMBER 27, 2024/dss