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

+ **CS(OS) 792/2024 & I.A. 41098-41099/2024**

SHANTI SWAROOP SETHI

.....Plaintiff

Through: Ms. Latika Goel and Mr. Kartik
Mittal, Advocates

versus

VIJAY KUMAR SETHI & ORS.

.....Defendants

Through: None

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **03.10.2024**

I.A. 41099/2024 (under Section 151 of CPC, 1908 for exemption)

1. Plaintiff shall file legible, clearer and certified 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 suit. Summons be issued to the defendants by all permissible modes on filing of process fee. Affidavit of service be filed within two (2) weeks.
5. 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 on record.
6. The plaintiff is at liberty to file replication(s) thereto within thirty (30)



days after filing of the written statements. The replication(s) shall be accompanied by affidavit of admission/denial in respect of the documents filed by the defendants, failing which the replication(s) shall not be taken on record.

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

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

9. List before the learned Joint Registrar (J) for completion of pleadings on **12.12.2024**.

10. List before the Court on **05.03.2025**.

I.A. 41098/2024 (under Order XXXIX Rules 1 and 2 of CPC, 1908)

11. This is an application under Order XXXIX Rules 1 and 2 of CPC seeking an ad-interim ex-parte injunction against the defendants, thereby restraining the defendants from creating any third parties in the properties bearing D-43-A, Vijay Nagar, Delhi-110043 and D-43-B, Vijay Nagar, Delhi-110043, both admeasuring 100 sq. yds., [collectively referred to as 'suit properties'].

12. This is a suit filed for partition and permanent injunction for the estate of late Sh. Lachhman Dass Sethi and late Smt. Rajkumari Sethi [collectively referred to as 'deceased']. It is stated in the plaint that the plaintiff and defendants are siblings, who are the children of the deceased. It is stated that the suit properties were owned by late Sh. Lachhman Dass Sethi [who died on 17.12.2003] and in furtherance of the Will dated 29.06.1997 executed by late Sh. Lachhman Dass Sethi, the suit properties thereafter devolved upon late Rajkumari Sethi. It is stated that late Smt. Rajkumari Sethi died intestate



on 17.02.2020 and all the parties herein have become co-owners to the extent of 1/4th share each in the suit property.

13. Learned counsel for the plaintiff states that though the plaintiff has issued legal notice to the defendants calling upon them to partition the estate, the defendants have not acceded to his request and the plaintiff has an apprehension that the defendants may create third-party rights in the suit properties without his consent.

14. In view of the facts noted hereinabove, the plaintiff has made out a *prima facie* case for grant of injunction and balance of convenience also lies in favour of the plaintiff. Accordingly, until the next date of hearing, the parties are directed to maintain *status quo* with respect to the title and possession of the suit properties.

15. List before the learned Joint Registrar (J) for completion of service and pleadings on **12.12.2024**.

16. List before the Court on **05.03.2025**.

17. Compliance of provisions of Order XXXIX Rule 3 of CPC be made within one (1) week. Affidavit of service be filed within one (1) week.

18. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of order shall be insisted by any authority/entity or litigant.

MANMEET PRITAM SINGH ARORA, J

OCTOBER 3, 2024/msh/MG

[Click here to check corrigendum, if any](#)