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

+ **CS(OS) 822/2024 & I.A. 42017-42018/2024**

MR HARPREET SINGH MAANN & ORS.Plaintiffs

Through: Mr. Akshay Makhija, Senior
Advocate with Mr. Rishabh Mehta,
Advocate

versus

MS BEENU MAANN & ORS.Defendants

Through: None

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% 14.10.2024

I.A. 42017/2024 (for exemption)

1. Plaintiffs 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 plaintiffs granting inspection of the documents filed, as and when required to do so, or filing the original documents at the stage of admission/denial.
3. The application stands disposed of.

**CS(OS) 822/2024 and I.A. 42018/2024 (Application under Order XXXIX
Rule 1 and 2 CPC)**

4. The present suit has been filed for seeking partition of the immovable property bearing No. 13/15, WEA, Karol Bagh, New Delhi ('suit property').



5. It is stated that the suit property was allotted to Sardar Nand Singh by Delhi Improvement Trust vide lease deed dated 20.06.1942. It is stated that Sardar Nand Singh passed away intestate on 09.09.1984 and was survived by his six sons and three daughters.

6. It is stated that one of the sons of late Sardar Nand Singh was Sardar Surjit Singh Maann and he was entitled to 11.11% share in the suit property. It is stated that late Sardar Surjit Singh Maann passed away on 22.03.2009.

7. It is stated that the plaintiffs herein are the Class I legal heirs of late Sardar Surjit Singh Maann. It is stated that the plaintiffs have combined claim of 11.11% undivided share in the suit property. The plaintiffs have filed along with the suit, a site plan earmarking the separate possession of the plaintiffs, defendant nos. 1(A) to 1(C), defendant nos. 2(A) to 2(C) and defendant nos. 3(A) to 3(B) and in the suit property.

8. Learned senior counsel for the plaintiffs' states that the ownership and possessory rights of the plaintiffs in the suit property are not in dispute. To substantiate this submission, he relies upon the legal notice dated 17.11.2018 issued by defendant no. 1(A) to 1(C) which records the physical possession of the plaintiffs in the suit property. He states that recently, some of the defendants have sought to interfere in the possession of the plaintiffs in the suit property and therefore, the plaintiffs have been compelled to file the present suit.

9. Let the plaint be registered as a suit. Issue summons in suit and notice in I.A. 42018/2024 to all the defendants through all modes. Affidavit of service be filed within two (2) weeks.

10. The summons shall indicate that the written statement(s) 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 plaintiffs, failing which the written statement(s) shall not be taken on record.

11. The plaintiffs are at liberty to file replication(s) thereto within thirty (30) days after filing of the written statement(s). The replication(s) shall be accompanied by affidavits of admission/denial in respect of the documents filed by the defendants, failing which the replications shall not be taken on record.

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

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

14. The defendants will file the reply to I.A. 42018/2024 within thirty (30) days from the receipt of the notice. Rejoinder, if any, be filed within thirty (30) days thereafter.

15. In view of the fact noted hereinabove, the plaintiffs have made out prima facie case in their favour. Accordingly, until the next date of hearing, the defendants are directed to maintain status quo with respect to the title and possession in the suit property.

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

17. List before the learned Joint Registrar (J) for completion of service and pleadings on **25.11.2024**.

18. List before the Court on **30.01.2025**.

19. 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.

OCTOBER 14, 2024/msh/AKT **MANMEET PRITAM SINGH ARORA, J**

Click here to check corrigendum, if any