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

\+ CS(OS) 669/2025

SHIVANI RAMNATH .....Plaintiff

Through: Mr. Anurag Ahluwalia, Sr. Advocate with Mr. Malak Bhatt, Ms. Neeha Nagpal and Ms. Sukanya Joshi, Advocates.

versus

SHARAD RAMNATH & ANR. .....Defendants

Through: Mr. Achal Gupta and Ms. Dr. Deepa, Advocate for D1.

CORAM:
HON'BLE MR. JUSTICE VIKAS MAHAJAN

O R D E R

% 09.02.2026

CAV 361/2025

1. Since defendant no.1 has entered appearance upon advance service, caveat is discharged and disposed of.

I.A. 23444/2025 (application under Section 151 CPC by the plaintiff)

2. This is an application seeking exemption from filing typed/clear/original/certified copies of the dim documents. Original documents shall be produced / filed, if sought, strictly as per the provisions of DHC (Original Side) Rules, 2018.

3. Allowed, subject to all just exceptions.

4. The application is disposed of.

CS (OS) 669/2025

5. The plaint be registered as suit.

6. Issue summons to the defendants. Mr. Achal Gupta, learned counsel appearing on behalf of defendant no.1 accepts summons and waives formal service of summons.

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7. He submits that copy of the complete paper book has been received by him including plaint, I.A. and documents.

8. On plaintiff taking steps, issue summons to the defendant no.2 by all permissible modes.

9. Let written statement to the plaint be filed by the defendants within a period of thirty days. The defendants shall also file an affidavit of admission/denial of the documents filed by the plaintiff, failing which the written statement shall not be taken on record.

10. The plaintiff is 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 defendant, failing which the replication shall not be taken on record.

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

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

13. List before the learned Joint Registrar for completion of service, pleadings, admission/denial of documents and marking of exhibits on 28.04.2026.

14. List before Court after completion of pleadings, on the date to be assigned by the learned Joint Registrar.

I.A. 23443/2025 (Application under Order XXXIX Rule 1and 2 read with Section 151 CPC)

15. Issue notice.

16. Mr. Achal Gupta, learned counsel appearing on behalf of defendant no.1 accepts notice.

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17. On plaintiff taking steps, issue notice to defendant no.2 by all permissible modes returnable on 28.04.2026.

18. The present is a suit for partition with regard to the estate left behind by Late Ujjwala Ramnath and Late Kamal Ramnath. It is alleged that plaintiff and defendant no.1 are Class-I legal heirs of Ujjwala Ramnath, whereas defendant no.2, who is the paternal aunt of the parties, who also has an independent share in one of the suit properties i.e. 25% share in respect of property bearing no. 24, Friends Colony (West), New Delhi, admeasuring 4300 Sq. Yds. [hereinafter referred to as 'Friends Colony (West)].

19. Mr. Anurag Ahluwalia, learned Senior Counsel appearing on behalf of plaintiff submits that late Ujjwala Ramnath, who was the mother of plaintiff and defendant no. 1, passed away intestate on 12.07.2024, and her estate devolved by operation of law upon the plaintiff and defendant no. 1 on account of them being Class-I legal heirs. Accordingly, the plaintiff and defendant no. 1 hold 50% share each in respect of property bearing no. 32A, Friends Colony (East) [hereinafter 'Friends Colony (East) property'], which was owned by Late Ujjwala Ramnath.

20. However, in respect of 'Friends Colony (West) property, a 25% share is held by defendant no. 2 by virtue of a compromise deed dated 13.07.1973 in Suit No. 197/1973 filed by defendant no. 2 before this Court, while the remaining 75% stands equally divided between the plaintiff and defendant no. 1 (37.5% each).

21. Mr. Ahluwalia and Mr. Achal Gupta are *ad idem* that plaintiff and defendant no.1 will maintain *status quo* in terms of the arrangement recorded by this Court *vide* order dated 16.10.2025.

22. Having regard to the facts articulated in the present case, the plaintiff

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has also made out a *prima facie* case for passing *status quo* order *qua* 'Friends Colony (West) property' against defendant no.2 as well. The balance of convenience is also in favour of interim order of *status quo* being passed. In case, such an order is not passed till the next date of hearing, the petitioner will suffer an irreparable loss and injury.

23. In that view of the matter, parties are also directed to maintain *status quo* with regard to the property bearing no. 24, Friends Colony (West), New Delhi – 110025, till the next date of hearing.

24. Provisions of Order XXXIX Rule 3 CPC be complied with by the plaintiff *qua* defendant no.2 within a period of two weeks.

25. Affidavit of compliance be filed within a period of three days thereafter.

26. Let replies to the application be filed within a period of four weeks. Rejoinders thereto be filed before the next date.

27. Mr. Gupta submits that moveable assets which forms part of the estate of Late Ujjwala Ramnath, which are/were within the knowledge or possession of defendant no.2, shall be disclosed in the written statement. Likewise, Mr. Ahluwalia also submits that plaintiff will also disclose all the assets of Late Ujjwala Ramnath which are/were in the knowledge or possession of the plaintiff in the replication. The statements are taken on record, and the parties are bound down to the same.

28. Re-notify on 28.04.2026.

VIKAS MAHAJAN, J

FEBRUARY 9, 2026/*jg*

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