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

+ **CS(OS) 840/2024, I.A. 42697/2024 & I.A. 42698/2024**

ASHISH KUMAR

.....Plaintiff

Through: Mr. Sujeet Kumar Mishra and Mr.
Harsh K. Pandey, Advocates

versus

SMT. KAMINI KUMAR & ORS.

.....Defendants

Through: Ms. Saiba M. Rajpal, Advocate for D-
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Mob: 9910946849
Mr. Pankaj Balwan and Mr. Utkarsh,
Advocates for D-3 & 4
Mob: 94607056988

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

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12.01.2026

CS(OS) 840/2024 & I.A. 42698/2024

1. At the outset, learned counsel appearing for the plaintiff submits that he has instructions to delete defendant no. 5 from the array of parties, as defendant no. 5, has already sold her share to defendant no. 4.
2. Accordingly, considering the submissions made on behalf of the plaintiff, defendant no. 5 is deleted from the array of parties.
3. Let Amended Memo of Parties be filed, within a period of one week.
4. Let the plaint be registered as a suit.
5. Issue summons. Summons is accepted by learned counsels appearing for defendant nos. 2 to 4.



6. Issue summons to defendant no. 1, through all permissible modes.
7. Defendant nos. 2 to 4 shall file written statements within a period of thirty days (30) from today.
8. As regards defendant no. 1, the summons shall state that the written statement shall be filed by the said defendant, within thirty (30) days from the date of receipt of summons.
9. Along with the written statement(s), the defendants shall also file affidavit(s) of admission/denial of the documents of the plaintiff, without which, the written statement(s) shall not be taken on record.
10. Liberty is given to the plaintiff to file replication(s), if any, within thirty (30) days from the receipt of the written statement(s). Along with the replication(s), filed by the plaintiff, the affidavit(s) of admission/denial of the documents of defendants, be filed by the plaintiff.
11. It is made clear that any unjustified denial of documents may lead to an order of costs against the concerned party.
12. If any of the parties wish to seek inspection of the documents, the same shall be sought and given within the timelines.
13. Issue notice in *I.A. 42698/2024*.
14. Notice is accepted by learned counsels appearing for defendant nos. 2 to 4.
15. Issue notice to defendant no. 1, by all permissible modes.
16. Let replies be filed, within a period of four weeks from today.
17. Response thereto, if any, be filed within a period of two weeks, thereafter.
18. List before the Joint Registrar on 12th March, 2026.
19. List before the Court on 28th April, 2026.



I.A. 42697/2024

20. The present application has been filed on behalf of the plaintiff under Order II Rule 2 of the Code of Civil Procedure, 1908 (“CPC”) seeking leave of this Court for omitting relief of permissible Floor Area Ratio (“FAR”), for construction in the suit premises for the time being.
21. Issue notice. Notice is accepted by learned counsels appearing for defendant nos. 2 to 4.
22. Issue notice to defendant no. 1 by all modes, returnable on the next date.
23. Let reply be filed, within a period of four weeks.
24. Rejoinder thereto, if any, be filed within a period of two weeks, thereafter.

MINI PUSHKARNA, J

JANUARY 12, 2026

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