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

+ **CS(OS) 846/2024 & I.A. 42962-42964/2024**

SH TARUN BANSAL

.....Plaintiff

Through: Mr. Gurmit Singh Hans and Ms.
Gurman Kaur Dua, Advocates

versus

SH CHETAN BANSAL

.....Defendant

Through: None

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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22.10.2024

I.A. 42963/2024 (for exemption from filing certified copies) & I.A. 42964/2024 (for exemption from filing legible copies of true typed documents)

1. The application for exemption is allowed, subject to the plaintiff granting inspection of the documents filed, as and when required to do so, or filing the original documents at the stage of admission/denial.
2. The application stands disposed of.

CS(OS) 846/2024

3. This is a suit for partition and permanent injunction concerning immovable property, bearing no. DSIIDC, Shed No.21, Okhla Industrial area, Phase-I, Delhi-110020 ('suit property') jointly owned by the parties, and a bank locker standing jointly in the name of the parties herein.
4. Let the plaint be registered as a suit. Summons be issued to the defendant by all permissible modes. Affidavit of service be filed within two (2) weeks.



5. The summons shall indicate that the written statement must be filed within thirty (30) days from the date of receipt of the summons. The defendant shall also file affidavit of admission/denial of the documents filed by the plaintiff, failing which the written statement shall not be taken on record.

6. The plaintiff is at liberty to file replication thereto within thirty (30) 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.

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) on **19.12.2024**.

10. List before the Court on **27.03.2025**.

I.A. 42962/2024 (Application on behalf of the plaintiff under Order XXXIX Rules 1 and 2 CPC)

11. This is an application filed by the plaintiff under Order XXXIX Rules 1 and 2 Code of Civil Procedure, 1908 ('CPC') seeking a restraint against the defendant from creating any third-party interest in the suit property.

12. The plaintiff has placed on record the title documents of the suit property which duly records the joint ownership of the parties.

13. Learned counsel for the plaintiff states that the original title documents are in the custody of the defendant but the true copy has been filed with the plaint. He states that there is an apprehension that the



defendant may create third-party interest in the suit property. He states that defendant is interfering in the plaintiff's enjoyment of the property. He states that there is no charge or mortgage on the property with a bank or a financial institution.

14. On a prima facie consideration of facts and materials placed on record, this Court is of the opinion that the plaintiff has made out a prima facie case for ad-interim ex-parte orders. The balance of convenience lies in favour of the plaintiff, and there is likelihood of irreparable injury being caused to the plaintiff.

15. In view of the above, the parties are directed to maintain status quo as to title and possession of the suit property till the next date of hearing.

16. Issue notice to the defendant by all permissible modes. Let the notice state that the reply be filed within thirty (30) days. Rejoinder, if any, be filed within thirty (30) days thereafter.

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

18. List before the learned Joint Registrar (J) on **19.12.2024**.

19. List before the Court on **27.03.2025**.

20. 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 22, 2024/msh/AKT

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