



\$~29

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

+ I.P.A. 10/2024, I.A. 44047-44051/2024

SMT. NEELAM BALI & ANR.

.....Petitioners

Through: Ms. Aditi Gupta, DHCLSC, Advocate
with Mr. Utkarsh, Advocate with
plaintiffs in person

versus

SMT. ASHA BALI & ORS.

.....Respondents

Through: None

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **05.11.2024**

I.A. 44049/2024 (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.
3. The application stands disposed of.

I.A. 44051/2024 (seeking condonation of delay in re-filing)

4. This is an application seeking condonation of delay of 9 days in re-filing of the plaint.
5. For the reasons stated in the application, the delay in re-filing is condoned.
6. Accordingly, this application is disposed of.

I.A. 44050/2024 (under Order XXXIII CPC)



7. The learned counsel for the plaintiffs submits that the plaintiffs does not have enough means in their possession to pay the requisite Court fee and therefore, the present suit has been filed under Order XXXIII Rule 1 of the Code of Civil Procedure, 1908 ('CPC').

8. Issue notice to defendants and standing counsel for GNCTD through all modes on filing of process fee within two (2) weeks.

9. The concerned SDM is directed to make appropriate enquiries qua the plaintiff's claim of indigency and submit its report to the learned Joint Registrar (J) within four (4) weeks.

10. List before the learned Joint Registrar (J) on **20.01.2025** who shall enquire about the means of the plaintiff and submit its report to that effect.

I.A. 44048/2024 (under Order XL Rule 1 CPC for appointment of receiver)

11. Learned counsel for the plaintiffs' states that she is not pressing for appointment of local commissioner at this stage

12. Accordingly, the captioned application will be taken up at a subsequent stage.

I.A. 44047/2024 (under Order XXXIX Rules 1 and 2 CPC for stay)

I.P.A. 10/2024

13. This suit has been filed by the plaintiffs for the partition of the estate of the late Sh. Bhim Sen Bali through the late Sh. Desh Mitter Bali. Plaintiff No. 1 and Plaintiff No. 2 are the widow and daughter, respectively, of the late Sh. Desh Mitter Bali, the deceased son of the late Sh. Bhim Sen Bali.

14. Learned counsel for the plaintiffs states that though there are assertions that late Sh. Desh Mitter Bali was in the foster care of his maternal aunt, the allegations that he was adopted by his foster parents have been held to be not substantiated by the Court of Administrative Civil Judge



Central, Delhi in the judgment dated 15.04.2017 passed in succession petition no. SC/32864/16. She states that the assertions of alleged adoption of late Sh. Desh Mitter Bali made by late Smt. Raj Rani, the step mother of late Sh. Desh Mitter Bali were negated by the said Court. She states that thus late Sh. Desh Mitter Bali was a Class-I legal heir of late Sh. Bhim Sen Bali.

15. In view of the findings returned by the competent Court in the judgment dated 15.04.2017, it is apparent that late Sh. Desh Mitter Bali continued to remain a part of the family of late Sh. Bhim Sen Bali and prima facie appears to be his Class I legal heir. In view of the aforesaid, this Court is of the opinion that the plaintiff has made out a case for interim orders. The balance of convenience lies in favour of the plaintiff, and there is likelihood of irreparable injury being caused to the plaintiff.

16. Accordingly, until the next date of hearing, defendants are restrained from creating any right, title or interest in the suit properties which stand in the name of late Sh. Bhim Sen Bali.

17. The defendants are directed to place on record the title deeds pertaining to the immovable properties mentioned at serial nos. 1 to 4 in the schedule of properties. The defendants will also make a disclosure with respect to the share held by late Sh. Bhim Sen Bali in Bali & Co.

18. Issue notice to the defendants through all modes.

19. Reply be filed within thirty (30) days. Rejoinder, if any, be filed within thirty (30) days thereafter.

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

21. List before Joint Registrar (J) **20.01.2025.**

22. List before Court on **14.02.2025.**



23. 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

NOVEMBER 5, 2024/msh/AKT/mt

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