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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 721/2025, I.A. 25207-25209/2025 and I.A. 25648/2025**

MS. JYOTI KAUSHIK AND ORSPlaintiffs

Through: Mr.Praveen Suri and Mr. Sagar
Nandwani, Advocates.

versus

SH PRAKASH KUMAR AND ORSDefendants

Through:

CORAM:
HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER
% **29.10.2025**

I.A. 25206/2025 (under Order XXXII Rule 1 r/w Section 151 of CPC)

1. Heard learned counsel appearing on behalf of the plaintiffs.
2. For the reasons stated in the application, the same stands allowed. The plaintiff no.1 is directed to be appointed as the next friend of plaintiff nos.2 and 3.
3. The instant application stands disposed of.

I.A. 25208/2025 (for exemption)

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

I.A. 25210/2025 (For extension of time of payment of Court fee)

1. Since, the Court fee has already been paid, therefore, the instant application has rendered infructuous.
2. The application stands disposed of as rendered infructuous.



CS(OS) 721/2025

1. In deference to the observations made by the Court in its order dated 14.10.2025, Mr. Praveen Suri, places reliance on various decisions including the decision rendered by this Court in the case of ***Rupinder Singh Sahni and Anr. Vs. Manmeet Singh Sahni and Ors.***¹, dated 19.09.2025.
2. The relevant paragraph(s) i.e. paragraph no.41 to 43 of the decision in the case of ***Rupinder Singh Sahni*** are extracted as under:-

“41. Section 430 of the Act cannot be read as a blanket ouster of the plenary jurisdiction of Civil Courts and the statutory bar is confined to matters that fall squarely within the exclusive remit of the NCLT. It is a trite law that the jurisdiction of Civil Courts to decide questions of title, inheritance, partition and other civil rights is not to be lightly or artificially held to be ousted unless the statute expressly and necessarily requires such an ouster. Any doubt on the point must be resolved in favour of preserving civil jurisdiction so that parties are not left remediless on fundamental questions of right and title.

42. The reliefs claimed in the instant plaint are quintessentially civil in character. The Plaintiffs seek declarations of title, partition of immovable and movable assets, and determination of rights by way of inheritance and rendition of accounts, together with consequential reliefs flowing from a claim of joint ownership of family assets.

43. Such reliefs do not fall within the limited scope of Sections 241 and 242 of the Act, which are designed to address complaints of oppression and mismanagement and do not confer jurisdiction to adjudicate pure questions of title to property or to determine succession rights. The NCLT does not possess the competence to finally decide disputes over title to shares or title to assets where those disputes arise out of familial succession and civil ownership claims. Accordingly, Section 430 of the Act cannot be invoked to defeat the Plaintiffs’ claim to a civil forum.”

3. The Court has held that the bar contained in Section 430 of the Companies Act, 2013 cannot be read as an absolute exclusion to the jurisdiction of Civil Courts. The Court further observed that where the



essence of the dispute concerns questions of title, inheritance, or partition of family assets, even if such disputes involve corporate shareholding or control, the matter remains within the competence of the Civil Court. It was reiterated that the NCLT exercises a limited and specialized jurisdiction under Sections 241 and 242 of the Act, which is confined to complaints of oppression and mismanagement, and that such jurisdiction does not extend to the adjudication of ownership, succession, or partition disputes arising *inter se* family members or legal heirs.

4. However, reserving all those aspects to be dealt with subject to the objections to be raised by the defendants, let the plaint be registered as suit. Summons be issued to the defendants by all permissible modes on filing of process fee. Affidavit of service be filed within two weeks.

5. The summons shall indicate that the written statements must be filed within thirty 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 statements shall not be taken on record.

6. The plaintiffs are at liberty to file replications thereto within thirty days after filing of the written statements. The replications 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.

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.

¹ 2025:DHC:8529



9. List before the concerned Joint Registrar for taking up necessary further steps and for completion of pleadings in accordance with extant rules on 09.03.2026.

10. Thereafter, list before the Court on the date to be fixed by the concerned Joint Registrar.

I.A. 25207/2025 (under Order XXXIC Rules 1 and 2 of CPC)

I.A. 25209/2025 (under Section 80(2) of CPC)

1. Heard learned counsel appearing on behalf of the plaintiffs.
2. On plaintiffs taking necessary steps, let notice be issued to the defendants by all permissible modes, returnable on the next date of hearing. In addition, service through *dasti* mode is also permitted.
3. Let requisited be filed by the plaintiffs within two working days.
4. *Dasti* notice be handed over within two working days thereafter.
5. List these applications for consideration on 01.12.2025.
6. Defendants shall be at liberty to file the reply before the next date of hearing.

PURUSHAINdra KUMAR KAURAV, J

OCTOBER 29, 2025

Nc/sph