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

+ **CS(OS) 928/2024**

SMT. RENU & ORS.

.....Plaintiffs

Through: **Mr. D.V. Khatri and Mr. Harshad
Gupta, Advocates.**

versus

RAJKUMAR & ANR.

.....Defendants

Through:

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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25.11.2024

**I.A.No.45988/2024 (by the plaintiffs under Section 151 of CPC for
exemption from filing certified/taped/Hindi translated copies/dim/margin
documents)**

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

**I.A.No.45987/2024 (by the plaintiffs under Order XI Rules 12 and 14 read
with Section 151 of CPC)**

**I.A.No.46098/2024 (by the plaintiffs under Order XL Rule 1 and Section
94 read with Section 151 of CPC)**

3. Issue notice to the non-applicants/defendants by all permissible modes.
4. Let replies to the applications be filed within a period of four weeks from today. Rejoinders thereto, if any, be filed within two weeks thereafter.
5. List before the learned Joint Registrar for completion of service and pleadings on 24.02.2025.



6. List before the Court after completion of pleadings on 25.03.2025.

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7. The plaint be registered as a suit.

8. On filing of process fee, summons be issued to the defendants by all permissible modes.

9. The summons shall indicate that written statement must be filed within thirty days from the date of receipt of summons. The defendants shall also file an affidavit of admission/denial of the documents filed by the plaintiffs, failing which the written statement shall not be taken on record.

10. The plaintiffs are 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 defendants, 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 24.02.2025.

14. List before the Court after completion of pleadings on 25.03.2025.

I.A.No.45986/2024 (by the plaintiffs under Order XXXIX Rules 1 & 2 read with Section 151 of CPC)

15. Issue notice to the defendants by all permissible modes.

16. The plaintiffs are stated to be the daughters whereas defendant nos.1 and 2 are the son and wife, respectively of Late Ishwar Singh Mehla.



17. The present suit has been filed praying for partition, rendition of accounts and permanent injunction in respect of the suit property bearing no.127, E/9, Kishangarh, Vasant Kunj, New Delhi-110070 comprising of ground and first floor.

18. The learned counsel appearing on behalf of the plaintiffs submits that the plot bearing no.91, Khasra no.1673 (measuring 3 bigha 3 biswas) underneath the suit property was allotted by the Delhi Development Authority (DDA) to Shri Ramphal, Shri Hari Gian and Shri Mehar Singh. Subsequently the three allottees partitioned the said property amongst themselves.

19. The present suit concerns the portion measuring 288.2 sq.yrds. which had fallen to the share of Shri Ramphal. Upon demise of Late Shri Ramphal, the property devolved upon Shri Ishwar Singh Mehla. Shri Ishwar Singh Mehla died intestate on 02.07.2011 leaving behind the plaintiffs as their Class-I legal heirs.

20. The learned counsel appearing on behalf of the plaintiffs submits that part of the suit premises is rented out, the rent of which is being collected by the defendants. Further, portion of the suit property is also being used for running a school.

21. He submits that the plaintiffs sought partition of their respective shares in the estate of the deceased, however, the same was refused by the defendants. He submits that there is grave apprehension that the defendants might sell the suit property. Further, the defendants are also trying to raise construction over the suit property which they intend to let out.

22. Having regard to the fact that the plaintiffs are the daughters of Late Ishwar Singh Mehla, who is stated to have died intestate, ordinarily they



would have a share in the suit property, therefore, this court is of the view that the plaintiffs have made out a *prima facie* case for grant of limited *ad interim* order of *status quo*.

23. I am satisfied that the balance of convenience is in favour of the plaintiffs and they will suffer an irreparable loss in case any construction is raised or any third party rights are created by the defendants, as apprehended by the plaintiffs, in the suit property before the next date.

24. The parties are, therefore, directed to maintain *status quo* as to the title, possession and construction, in respect of the suit property, till the next date.

25. Provisions of Order XXXIX Rule 3 of CPC be complied with *qua* the defendants within a period of seven working days from today and an affidavit of compliance be filed within three days thereafter.

26. The defendants will be at liberty to apply for variation, vacation or modification of the order, if necessary.

27. The defendants may file replies to the application within four weeks on receipt of notice. Rejoinder thereto, if any, be filed within two weeks thereafter.

28. List before the Joint Registrar for completion of service as well as, pleadings on 24.02.2025.

29. List before Court on 25.03.2025.

VIKAS MAHAJAN, J

NOVEMBER 25, 2024/aj