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

+ **CS(OS) 774/2025**

SAROJ

.....Plaintiff

Through: Ms. Smita Maan, Mr. Vishal Maan,
Mr. Aakash Sehrawat and Ms. Shweta
Chaudhary, Advocates.

versus

DHARAM PRAKASH RATHI & ORS.

.....Defendants

Through: None.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

03.11.2025

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CS(OS) 774/2025

1. Let the plaint be registered as a suit.
2. Issue summons.
3. Summons be issued to the defendants through all permissible modes. The summons shall state that the written statement(s) shall be filed by the defendants within thirty (30) days from the date of the receipt of summons. 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.
4. 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, affidavit(s) of admission/denial of the documents of the defendants be filed by the plaintiff.



5. It is made clear that any unjustified denial of documents may lead to an order of costs against the concerned party.
6. If any of the parties wish to seek inspection of any documents, the same shall be sought and given within the timelines.
7. List before the Joint Registrar on 14th January, 2026, for completion of service and pleadings.
8. List before the Court on 17th March, 2026.

I.A. 27072/2025 (under Order XXXIX Rule 1 and 2 of the CPC)

9. The plaintiff and the defendants are Class-I legal heirs of late Sh. Umed Singh.
10. The present suit has been filed seeking partition of movable and immovable properties left behind by one of their brothers, namely, Sh. Ram Prakash Rathi, who died *intestate* on 9th November, 2024 without leaving any Class-I legal heirs.
11. The details of the estate of Late Sh. Ram Prakash Rathi have been given in paragraph 5 of the plaint which are set out below:

- (i) Built-up plot admeasuring 500 sq. yards situated in Village Rajpur Khurd, New Delhi (said property had been rented out by Late Sh. Ram Prakash Rathi)



- (ii) Built-up plot admeasuring 200 sq. yards situated in Village Rajpur Khurd, New Delhi (Late Sh. Ram Prakash Rathi resided at the said property)
- (iii) Property admeasuring 85 sq. yards situated in Village Rajpur Khurd, New Delhi (Late Sh. Ram Prakash Rathi had constructed a Mandir over the same property)
- (iv) Built-up plot admeasuring 60 sq. yards in the lal dora abadi of Village Rajpur Khurd, New Delhi (said property is a 2BHK rented out by Sh. Ram Prakash Rathi)
- (v) Bank Account in Canara Bank, Rajpur Khurd Branch

- 12. The plaintiff claims 1/5th share in the aforesaid estate.
- 13. None appears on behalf of the defendants despite advance service.
- 14. Issue Notice.
- 15. Notice be issued to the defendants through all permissible modes.
- 16. Reply(ies) be filed within four (4) weeks.
- 17. Rejoinder(s) thereto, if any, be filed within two (2) weeks thereafter.
- 18. Based on the aforesaid narration of facts, a *prima facie* case has been made out in favour of the plaintiff and against the defendants.
- 19. Consequently, the parties shall maintain *status quo* with regard to title and possession of the aforesaid movable and immovable properties till the next date of hearing.
- 20. Compliance under Order XXXIX Rule 3 of the Code of Civil Procedure, 1908, shall be done within three (3) days.



21. List before the Joint Registrar on 14th January, 2026, for completion of service and pleadings.
22. List before the Court on 17th March, 2026.

AMIT BANSAL, J

NOVEMBER 3, 2025

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