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

+ **CS(OS) 950/2024**

VANDANA

.....Plaintiff

Through: Mr. Kirti Uppal, Sr. Advocate with
Mr. Aditya Raj, Advocate.

versus

PRAVEEN KUMAR & ANR.

.....Defendants

Through:

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

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29.11.2024

CS(OS) 950/2024 & I.A. 46635/2024, I.A. 46636/2024, I.A. 46637/2024

I.A. 46638/2024

1. The present suit is one for possession, recovery of arrears of rent and mesne profit in respect of the Property bearing No.1/1911, Old Plot No. 47, out of Khasra No.128, Khewat No.489, situated at the area of village Chandrwali alias Shahdara in the Abadi of Moti Ram Road, Ram Nagar, near Mansarover Park, Shahdara, Illaqa Shahdara, Delhi – 110032 (*hereinafter referred to as “property in question”*).

2. It is stated that the property in question belonged to one Sh. G.S. Kashyap who had executed a Will dated 13.11.1966 in favour of his wife Smt. Shankara Devi and his four sons. It is stated that on 25.07.1971, a Release Deed was executed in respect of the property in question by Smt. Shankara Devi in favour of her four sons. It is stated that the property in question was then sold by the four sons of the said Sh. G.S. Kashyap to one



Shri Phool Chand vide a Sale Deed dated 28.09.1971. It is stated that the mother of the Plaintiff Late Smt. Bhagwan Devi had purchased the property in question from the said Shri Phool Chand on 23.12.1985 by way of a Power of Attorney and Agreement to Sell and a Will was executed by the said Shri Phool Chand in favour of the mother of the Plaintiff. However, there is no Sale Deed for the said transaction.

3. The averment in the plaint discloses that the property in question has been given on lease by the mother of the Plaintiff to the father of Defendant No.1 herein in the year 1998. It is stated that the said Lease Deed was for a period of 5 years. It is stated that the mother of the Plaintiff has died intestate, thereby the property in question has devolved upon the Plaintiff and her brother. It is stated that the Plaintiff and her brother have asked the Defendants herein to vacate the property in question, however, the Defendants have not vacated the property in question. It is stated that the brother of the Plaintiff has relinquished his share in favour of the Plaintiff, thereby the Plaintiff has now become the absolute and sole owner of the property in question.

4. It is further stated that a legal notice was issued on 29.10.2024 by the Plaintiff to the Defendants asking them to vacate the property in question. It is stated that since no action has been taken by the Defendants, the present suit has been filed by the Plaintiff seeking possession, recovery of arrears of rent and mesne profit in respect of the property in question. It is stated that since the value of the property in question is more than Rs.2 crores, the present suit has been instituted in the jurisdiction of this Court.

5. Let the plaint be registered as a suit.

6. Issue summons to the Defendants, to be served through all



permissible modes, including through electronic mode and *Dasti* as well, returnable on 29.01.2025 before the learned Joint Registrar (Judicial) for further proceedings.

7. Let the Written Statement(s) to the plaint be positively filed within the time prescribed under the Delhi High Court (Original Side) Rules, 2018 along with the affidavit(s) of admission/denial of the documents of the Plaintiff, without which the Written Statement(s) shall not be taken on record.

8. Liberty is given to the Plaintiff to file the Replication within the time prescribed under the Delhi High Court (Original Side) Rules, 2018 along with the affidavit(s) of admission/denial of documents of the Defendants, without which the Replication(s) shall not be taken on record.

I.A. 46634/2024

1. This application under Order XXXIX Rules 1 and 2 CPC has been filed on behalf of the Plaintiff seeking ad-interim ex-parte injunction in favour of the Plaintiff and against the Defendants.

2. It is stated that the Plaintiff apprehends that the Defendants might take steps to part with possession of the property in question, create third party rights or encumber the property in question.

3. Issue notice.

4. On taking steps, let notice be issued to the Defendants through all permissible modes, including *Dasti*.

5. List before Court on 21.02.2025.

SUBRAMONIUM PRASAD, J

NOVEMBER 29, 2024

S. Zakir