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

+ **CS(OS) 959/2024 & I.A. 46866-46868/2024**

ESHANK BEDI AND ANR

.....Plaintiffs

Through: Mr. Brijender S. Dhull, Advocate

versus

HARDEEP SINGH BEDI AND ORS

.....Defendants

Through: None

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **02.12.2024**

I.A. 46867/2024 (for exemption)

1. Plaintiffs shall file legible, typed and translated 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. 46868/2024 (for condonation of delay)

4. This application under Section 151 of the Code of Civil Procedure, 1908 has been filed by the plaintiffs' seeking condonation of delay of nine (9) days in re-filing the suit.
5. For the reasons stated in the application, the application is allowed and the delay in re-filing the petition is condoned.
6. Accordingly, the application is disposed of.



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7. Learned counsel for the plaintiff seeks time to address arguments on the Court fees affixed in this plaint.

8. In the considered opinion of this Court, after perusing the averments made in the plaint it is apparent that the plaintiff is admittedly not in the actual and physical possession of the immovable properties enlisted at paragraph 2 (i), 2(ii) and 2(iii) of the plaint. The plea that the plaintiff is in constructive possession of the said properties is also incorrect, as admittedly on the own showing of the plaintiff, the rental of the commercial properties enlisted at paragraph 2(i) and 2(iii) is being collected by defendant no. 1 to the exclusion of the plaintiffs. So also, plaintiffs admittedly are neither in constructive nor in actual physical possession of the residential property enlisted at paragraph 2 (ii). In these facts, the plaintiffs are liable to pay ad-valorem court fees on their shares in these properties as assessed in the plaint.

9. The suit has been filed seeking partition of the estate of late Sh. Gurdeep Singh Bedi on the premise that he is the illegitimate son of the deceased and his right of inheritance is protected by Section 16 of the Hindu Marriage Act, 1955. Learned counsel for the plaintiff however admits that the plaintiffs do not have any documents in his possession to show that the plaintiff's mother was married to late Sh. Gurdeep Singh Bedi so as to enable the plaintiff to invoke the said provision of the Act of 1955.

10. The plaintiffs are directed to place on record the copies of the all-identification documents of their mother Smt. Madhu Bedi on record within two (2) weeks and bring before this Court the originals of the said identification documents on the next date of hearing including passport,



Aadhaar Card, driving licence etc.

11. At request, list on **30.01.2025**.

MANMEET PRITAM SINGH ARORA, J

DECEMBER 2, 2024/msh/MG

Click here to check corrigendum, if any