



\$~O-66

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 800/2025**
HARMEET SINGH NANDA & ORS.Plaintiffs

Through: Mr. Rajesh Mahindru, Adv.

versus

MRS. SARABJIT KAUR BABADefendant
Through: None.

CORAM:
HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV
ORDER
% **17.11.2025**

I.A. 27834/2025 (EXEMPTION)

1. Plaintiff shall file legible/typed/original/certified and clearer copies of exempted documents, compliant with practice rules, before the next date of hearing.
2. The application for exemption is allowed, subject to the plaintiff granting inspection of the documents filed, as and when required to do so, or filing the original documents at the stage of admission/denial.
3. The application stands disposed of.

CS(OS) 800/2025 and I.A. 27835/2025 (INJUNCTION)

4. The present suit has been filed by plaintiff no. 1, primarily to recover certain movable/immovable properties from the defendant, who is his wife. Originally, the suit was instituted in the jurisdictional Family Court, without arraying with Mr. Harmeet Singh Nanda as the sole plaintiff; plaintiffs no. 2



and 3, who are his parents, were impleaded *vide* order of the Court dated 28.04.2025, and the Court, thereafter, returned the plaint under Order VII Rule 10 of the Code of Civil Procedure (CPC) to be presented before a regular Civil Court on the ground that impleadment of the parents took the dispute outside the jurisdiction of the Family Court. The said order was passed with the consent of the parties, and the same does not specify any reasoning to support the aforesaid conclusion.

5. A perusal of the averments in the plaint would indicate that the dispute in the present matter is with respect to the property of plaintiff no. 1 which was entrusted to the defendant for safe-keeping/joint use with the plaintiffs.

6. Mr. Rajesh Mahindru, learned counsel for the plaintiffs, however, submits that the defendant has misappropriated not only the property of plaintiff no. 1, her husband, but also that of the other plaintiffs. Therefore, according to him, the present dispute is not merely with respect to matrimonial property so as to confer jurisdiction to adjudicate on the Family Court. He places reliance on the decision dated 01.04.2024 passed by the Division Bench of this Court in the case of ***Geeta Anand v. Tanya Arjun & Anr.***¹, in support of the aforesaid submission.

7. It is seen that pleadings with respect to misappropriation, by the defendant, of property belonging to plaintiff no. 2 and 3, are conspicuously absent in the plaint. Amendments to incorporate the aforesaid averments in the plaint, are therefore, necessary. Let the plaintiff to file the necessary application and to do the needful within four weeks from today.

8. Thereafter, reserving the adjudication on the aforesaid aspect to be



made at a later stage, let the plaint be registered as a suit.

9. Summons in the suit and notice in the I.A. 27835/2025 filed under Order XXXIX Rule 1 and 2 of the Code of Civil Procedure, 1908 (CPC) be issued to the defendant by all permissible modes on filing of process fee. Affidavit of service be filed within two weeks.

10. The summons shall indicate that the written statements must be filed within thirty days from the date of receipt of the summons. The defendant shall also file affidavits of admission/denial of the documents filed by the plaintiff, failing which the written statements shall not be taken on record.

11. The plaintiff is 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 defendant, failing which the replications shall not be taken on record.

12. It is made clear that any unjustified denial of documents may lead to an order of costs against the concerned party.

13. Any party seeking inspection of documents may do so in accordance with the Delhi High Court (Original Side) Rules, 2018.

14. List before the concerned Joint Registrar for service compliance, completion of pleadings and marking of exhibits on 12.03.2026.

15. Thereafter, list before the Court on the date to be assigned by the Joint Registrar.

PURUSHAINDR KUMAR KAURAV, J

NOVEMBER 17, 2025

aks/amg

¹ 2024:DHC:2637 - DB