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

+ CS(OS) 752/2025, I.A. 26395/2025 & I.A. 26397/2025

SHIVANI BATRA

.....Plaintiff

Through: Mr. Ramesh Singh, Senior Advocate

versus

BHAWNA ARORA & ORS.

.....Defendants

Through: Mr. J.S. Bakshi, Sr. Adv. with Mr. Navroop Bakshi, Mr. Anshu Davas and Mr. Pulkit Agarwal, Advs. for D-1 to 3

M: 9811402998

Mr. Jai Anant Dehadrai, Ms. Srutee Priyadarshini, and Ms. Bhavya Jain, Advs. for D-4

M: 7762924372

+ CS(OS) 809/2025, I.A. 28092/2025 & I.A. 28094/2025

KUSUM ARORA

.....Plaintiff

Through: Mr. Jai Anant Dehadrai, Ms. Srutee Priyadarshini and Ms. Bhavya Jain, Advs.

M: 9910379697

versus

BHAWNA ARORA & ORS.

.....Defendants

Through: Mr. J.S. Bakshi, Sr. Adv. with Mr. Navroop Bakshi, Mr. Anshu Davas and Mr. Pulkit Agarwal, Advs. for D-1 to 3

M: 9811402998



CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER
% **12.01.2026**

I.A. 26395/2025 & I.A. 28092/2025

1. The present applications have been filed under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure, 1908 ("CPC"), seeking interim relief against the defendants.
2. Learned Senior Counsel appearing for the plaintiff in CS(OS) 752/2025, and learned counsel appearing for the plaintiff in CS(OS) 809/2025, jointly submit before this Court that the present suits are for partition, which have been filed by the daughter and mother against the daughter-in-law of the plaintiff-mother, and the son and daughter of the said daughter-in-law.
3. They submit that the common defendant no. 1, i.e., Bhawna Arora, along with her son, i.e., defendant no. 2 is in custody, on account of serious allegations against them with regard to murder under Section 304(II) of Indian Penal Code ("IPC") for culpable homicide and forgery of a Will.
4. It is submitted that the allegations against defendant no.1, i.e., Bhawna Arora for culpable homicide are in respect of death of the son of Kusum Arora and brother of Shivani Batra, i.e., the plaintiffs.
5. Learned counsels appearing for the plaintiffs have handed over to this Court a Status Report filed by the concerned Station House Officer ("SHO") in the case of W.P.(Crl.) 4156/2025, titled as "*Shivani Batra Versus The State (Govt. of NCT Delhi) & Ors.*", wherein, it is stated as follows:

"xxx xxx xxx"

8. However, hospital records from Max Hospital prove that Nitin was



admitted from 17.10.2023 to 03.11.2023, making it impossible for him to execute any WILL on the said date. Bhawna also contradicted herself by stating in the registration application that the WILL was executed on 15.02.2024 a date after Nitin's death on 25.11.2023 clearly showing fabrication and manipulation of documents. A private forensic expert has further opined that the signatures on the alleged WILL are forged.

9. Further, based on a representation from the complainant, medical treatment records obtained from Max Hospital, Patparganj and Pushpanjali Hospital show that despite being financially sound and fully aware of Nitin's critical cancer condition, accused Bhawna, in connivance with co-accused persons, intentionally caused the patient to be LAMA (Leave Against Medical Advice) from Max Hospital on 03.11.2023.

*10. Thereafter, she knowingly admitted him to Pushpanjali Hospital on 21.11.2023 despite having full knowledge that the said hospital lacked the required medical facilities and expertise to treat a cancer patient of such seriousness. By giving written consent for treatment at an inadequately equipped hospital, the accused wilfully exposed the patient to grave risk, knowing that her actions were likely to endanger his life. As a result of this deliberate and negligent conduct, Nitin's condition deteriorated and he died on 25.11.2023. The intentional removal of the patient from proper medical care and his admission into an incapable facility clearly demonstrates knowledge on the part of the accused that her acts were likely to cause death, thereby attracting the offence under Section 304(II) IPC. **Accordingly, Section 304(II) IPC has been added in the present case.***

xxx xxx xxx”

6. Learned Senior Counsel and counsel appearing for the plaintiffs draw the attention of this Court to the table of the suit properties mentioned in the plaint, which is reproduced as under:



Table A: SUIT PROPERTIES

S.NO.	PROPERTY	MARKET VALUE
1	A-74 YOJNA VIHAR, DELHI	Above Rs.10,00,00,000/-
2	363 ACGR ENCLAVE, DELHI	Rs.10,00,00,000/-
3	A-55 FIRST FLOOR NIRMAN VIHAR, DELHI	Rs. 3,00,00,000/-
4	A-55 3RD FLOOR NIRMAN VIHAR, DELHI	Rs. 3,00,00,000/-
5	C -326 VIVEK VIHAR, DELHI	Rs.15,00,00,000/-
6	A-55 SECOND FLOOR NIRMAN VIHAR, DELHI	Above Rs. 3,00,00,000/-



7	A-55 GROUND FLOOR NIRMAN VIHAR, DELHI	Rs. 3,00,00,000/-
8	A-124 YOJNA VIHAR, DELHI	Rs.15,00,00,000/-
9	B-II/61 PUSHPANJALI, DELHI	Above Rs.15,00,00,000/-
10	B- 200 YOJANA VIHAR AGCR, DELHI	Above Rs.10,00,00,000/-
11	OTHER PROPERTIES IN THE NAME OF – A. DEFENDANTS B. DECEASED NITIN ARORA C. LATE SH. OM PRAKASH ARORA	Above Rs.20,00,00,000/-
12	CARS WORTH	Rs. 2,00,00,000/- Mercedes, Honda City, MG Hector, i.10 Hyundai, Fortuner
13	JEWELLERY WORTH	Above Rs. 3,00,00,000/-
14	LIFE INSURANCE	Rs.2,00,00,000/-
15	BANK ACCOUNT HAVING FUNDS	Above Rs.10,00,00,000/-
16	SHARES, DEBENTURES, FDs, AND /OR OTHER SECURITIES	Above 5,00,00,000/- (Approx)



17	Other assets are in the knowledge of Defendants, for which Plaintiff seeks liberty to add the same later.	20,00,00,000/- (Approx)
18	Total	138,00,00,000/- (Approx)

7. Thus, it is submitted that during the pendency of the present suits, the properties which are subject matter of the present suit, be safeguarded and a *status quo* order be passed with regard to the movable and immovable properties.

8. Responding to the same, learned Senior Counsel appearing for the defendants submits that as regards the properties at Serial Nos. 1 and 9, i.e., A-74, Yojna Vihar, Delhi and B-II/61, Pushpanjali, Delhi, he is under instructions to make a statement that *status quo* shall be maintained with respect to the two properties.

9. He further submits that with respect to the property at Serial No. 8 as well, i.e., A-124, Yojna Vihar, Delhi, the defendants are ready to make a statement with regard to maintaining *status quo* of the property, subject to reserving their right that, in case, the defendants wish to dispose of the said property in the future, they shall approach this Court by way of an appropriate application to seek permission in that regard. He further submits that the said property is still under construction and only the super-structure has been constructed as on date.

10. He further submits that the plaintiff-Kusum Arora, i.e., mother of the deceased husband of defendant no. 1, has already sold 25% of her shares to one Mr. Abhinav Jain, *qua* which a suit is pending before this Court, having been filed by the purchaser, i.e., said Mr. Abhinav Jain.



11. Learned Senior Counsel for the defendants further submits that as regards the property at Serial No. 5, i.e., *C-326, Vivek Vihar, Delhi*, the same is in the name of defendant no. 1, having been purchased by way of a sale deed.

12. In response, learned Senior Counsel and counsel for the plaintiffs submit that the property at Serial No. 5, i.e., *C-326, Vivek Vihar, Delhi*, has been purchased from the sale proceeds of the property at Serial Nos. 3, 4, 6 and 7, i.e., different floors of property being, *A-55, Nirman Vihar, Delhi, A-55*. They, thus, submit that the proceeds received from the sale of property *No. A-55, Nirman Vihar, Delhi*, has been used for purchase of property *No. C-326, Vivek Vihar, Delhi*.

13. Therefore, they submit that the property *No. C-326, Vivek Vihar, Delhi*, has been purchased by using the money of the deceased father of Shivani Batra and husband of Kusum Arora.

14. Learned Senior Counsel and learned counsel appearing for the plaintiff, also raise challenge to the right of the defendant nos. 1 to 3 to inherit the properties of Late Shri Nitin Arora by relying upon Section 25 of the Hindu Succession Act, 1956 (“HSA”).

15. However, the aforesaid fact is disputed by learned Senior Counsel appearing for defendant nos. 1 to 3 and he rebuts all the submissions made on behalf of the plaintiffs.

16. Learned Senior Counsel appearing for the defendants further submits that the property, i.e., *A-55, Nirman Vihar, Delhi*, was owned by Late Mr. Nitin Arora, husband of defendant no.1 and not by her father-in-law.

17. Accordingly, he relies upon Section 14 of the HSA to submit that the property owned by defendant no.1 would be her property in terms thereof.



18. Having heard learned counsels for the parties, this Court is of the view that the matter requires consideration.

19. At this stage, learned Senior Counsel appearing for the defendants further submits that since written statement is yet to be filed on behalf of the defendants, as it could not be filed earlier on account of the fact that defendant nos. 1 and 2 are in custody for the last one month, the defendants may be granted time to file written statement before the present applications are taken up for hearing.

20. In response, learned Senior Counsel and counsel appearing for the plaintiffs jointly submit that they have no objection if written statement is filed by the defendants, within the statutory period. However, they submit that in the meanwhile the *status quo* ought to be maintained.

21. Accordingly, liberty is granted to the defendants to file their written statement, within the statutory period.

22. Considering the submissions made before this Court, it is directed that *status quo* as regards the title and possession of the properties mentioned in the table reproduced hereinabove, be maintained till the next date of hearing.

23. Since, in terms of the order dated 12th November, 2025, passed in CS (OS) 809/2025, the defendant no.1 is yet to disclose the details of assets of Late Shri Nitin Arora, as also the movable and immovable assets she has inherited from Late Shri Nitin Arora, it is clarified that the *status quo* order passed today shall extend to the said assets, the details of which, shall be filed by defendant no.1 along with the written statement.

24. In case, any property already stands sold to third partie(s) as on today, the order passed today shall not extend to such property.

25. List before the Joint Registrar (Judicial) for further proceedings on



27th February, 2026.

26. List before the Court on 27th April, 2026.

MINI PUSHKARNA, J

JANUARY 12, 2026/KR