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

+ **CS(OS) 968/2024 & I.A. 47177-47179/2024**

SMT SHONIKA CHAWLA

.....Plaintiff

Through: Mr. Sachin Bandooni, Mr. Arun
Kumar, Advocates-

versus

SMT YETHESH CHOUDHARY

.....Defendant

Through: None

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **04.12.2024**

I.A. 47178/2024 (under Section 151 of CPC)

1. Plaintiff shall file legible 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.

I.A. 47179/2024 (for exemption from advance service to the defendant)

4. This is an application filed on behalf of the plaintiff for exemption from advance service to the defendant.
5. For the reasons stated in the application, the application is allowed.

CS(OS) 968/2024 and I.A. 47177/2024 (on behalf of the plaintiff under Order XXXIX Rules 1 and 2 CPC for grant of an ex-parte ad-interim injunction)



6. The present suit has been filed by the plaintiff seeking specific performance and permanent injunction. It is stated that the sale deed dated 10.06.2024 has been executed and signed between the plaintiff and defendant qua the property bearing no. M-53, Greater Kailash, Part-II, New Delhi-110048 [‘suit property’].

7. It is stated that the plaintiff has paid the entire sale consideration of Rs. 1.95 crores by bank transfers to the defendant and the plaintiff has received the actual, physical possession of the suit property. It is stated that the entire chain of original title documents of the suit property has also been received by the plaintiff from the defendant. It is stated that the defendant did not appear before the concerned Sub-Registrar V on 10.06.2024 even though all formalities required for presenting the sale deed for registration had been completed between the parties.

8. It is stated that the plaintiff also filed W.P. (C) 12387/2024 which has since been disposed off vide order dated 05.09.2024. However, the concerned Sub-Registrar is yet to take its decision on the representation dated 25.06.2024. It is stated that the plaintiff has an apprehension that defendant may execute a sale deed in favour of a third-party to prejudice the rights and interest of the plaintiff herein.

9. Learned counsel for the plaintiff states that a Local Commissioner may be appointed by this Court to verify the actual, physical possession of the plaintiff. He states that copy of the entire chain of original title documents shall be filed before this Court and the original of the said documents will be shown to the Local Commissioner.

10. The plaint be registered as a suit. Summons be issued to the defendant by all modes. Affidavit of service be filed within one (1) week.



11. The summons shall indicate that the written statement must be filed within thirty (30) days from the date of receipt of the summons. The defendant shall also file affidavit of admission/denial of the documents filed by the plaintiff, failing which the written statement shall not be taken on record.

12. The plaintiff is at liberty to file replication thereto within thirty (30) days after filing of the written statement. The replication shall be accompanied by affidavit of admission/denial in respect of the documents filed by the defendant, failing which the replication shall not be taken on record.

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

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

15. In view of the facts noted hereinabove, Ms. Shambhavi Kala, Advocate (D-5871/2020) (email: shambhavi1721@gmail.com, Phone No. 9818668876) who is present in Court, is hereby appointed as a Local Commissioner to visit the suit property tomorrow on **05.12.2024** at **2:00 P.M.** to verify the identity of the person who is in actual physical possession of the suit property as well as to inspect the chain of the original title documents in the possession of the plaintiff. The copies of the chain of the title documents shall be provided to the Local Commissioner and filed by the Local Commissioner with her report. The report shall be filed within one (1) week.

16. The fee of the Local Commissioner is fixed at Rs. 1 lakh. The fee will be paid by the plaintiff to the Local Commissioner at the at the spot after the



conclusion of the Local Commission.

17. Issue notice to the defendant in I.A. 47177/2024 through all modes. Affidavit of service be filed within one (1) week.

18. Reply to I.A. 47177/2024 be filed within thirty (30) days.

19. Rejoinder, if any, be filed within thirty (30) days thereafter.

20. In view of the facts noted hereinabove, the defendant is directed to maintain status quo qua title of the suit property until the next date of hearing.

21. The compliance of the provision of the Order XXXIX Rule 3 Code of Civil Procedure, 1908 ('CPC') shall be made within one (1) week from today.

22. List before the learned Joint Registrar (J) for completion of pleadings on **14.02.2025**.

23. List before Court on **01.04.2025**.

24. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of order shall be insisted by any authority/entity or litigant.

MANMEET PRITAM SINGH ARORA, J
DECEMBER 4, 2024/msh/MG

[Click here to check corrigendum, if any](#)