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

+ **CS(OS) 13/2025**

NEENA SHARMA

.....Plaintiff

Through: **Mr. Deepak Jain & Ms. Namita
Arora, Advocates**

versus

SUDESH SHARMA & ORS.

.....Defendant

Through:

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

% **10.01.2025**

I.A. 488/2025 (for exemption)

1. Exemption is granted, subject to all just exceptions.
2. Applicant shall file legible, clear, and original copies of the documents on which the applicant may seek to place reliance before the next date of hearing, whichever is earlier.
3. Accordingly, the present application is disposed of.

CS(OS) 13/2025

1. The plaint be registered as a suit. Summons be issued to the defendants by all permissible modes on filing of process fee. Affidavit of service be filed within two weeks.
2. The summons shall indicate that the written statements must be filed within thirty days from the date of receipt of the summons. The defendants 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.



3. 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 defendants, failing which the replications shall not be taken on record.
4. It is made clear that any unjustified denial of documents may lead to an order of costs against the concerned party.
5. Any party seeking inspection of documents may do so in accordance with the Delhi High Court (Original Side) Rules, 2018.
6. List before the learned Joint Registrar for marking of exhibits on 25th February 2025.
7. List before the Court on 9th May 2025.

I.A. 489/2025 (for summoning records of the suit)

1. By this application, plaintiff seeks summoning of records of CS No.1291/2017. It is stated that the suit was originally filed before the Tis Hazari District Courts, Delhi, however, the plaint was returned by order dated 3rd April 2024 by ADJ, Central, Tis Hazari Courts, Delhi, since the valuation of the reliefs exceeded the pecuniary jurisdiction of the District Court. Accordingly, the plaintiff seeks to summon the records of the said suit from the Court of Shri Sachin Sood, ADJ (Central) Tis Hazari Courts, Delhi.
2. In the facts and circumstances, the application is allowed.
3. Registry shall summon the said record and place it on record of this Court.
4. Application stands disposed of accordingly.

I.A. 487/2025 (under Order XXXIX Rules 1 & 2)

1. This application has been filed by plaintiff, who is the daughter of



Late Sh. Om Prakash who passed away on 17th June 2004. Defendant no.1 is the widow of Late Sh. Om Prakash, defendant nos. 2 to 4 are his sons.

2. Plaintiff claims that she being the daughter, along with defendants is the legal heir of Late Sh. Om Prakash who died intestate. Specific averments have been made in respect of property No. 41-42A, Ashok Park Main, Delhi; Property no. 6, Ashok Park Main, Delhi; and Property no. 5 Ashok Park Main, Delhi. Plaintiff states that all these properties were bought by their late father out of his own earnings and further states that defendants are asserting themselves to be exclusive owners of the suit properties.

3. A legal notice dated 28th September 2011 was given by plaintiff to defendants; however, there was no reply. Accordingly, suit was filed initially in 2011 which was then transferred to the Court of ADJ. CS No.1291/2017 was filed which was subsequently withdrawn, as noted above, for lack of pecuniary jurisdiction. Hence, the present suit.

4. Accordingly, on steps being taken by plaintiff through all permissible modes, notice be issued to defendant nos. 1 to 4, returnable before this Court on 11th March 2025.

5. Order be uploaded on the website of this Court.

ANISH DAYAL, J

JANUARY 10, 2025/sm/sc