



\$~39

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

+ **CS(OS) 19/2025 IA 708/2025**

SUNIL THUKRAL

.....Plaintiff

Through: Mr. Sumit Gaba, Advocate.

versus

VINOD THUKRAL & ORS.

.....Defendants

Through:

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

%

14.01.2025

I.A. 709 /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.

IA 710/2025 (Application seeking condonation of delay)

4. For the reasons stated in the application, the same is allowed.
5. Delay of 18 days in re-filing the accompanying application is condoned.
6. Application stands disposed of, accordingly.

CS(OS) 19/2025

1. This suit has been filed seeking partition in respect of the suit properties bearing No. E-53, Khasra No. 471, Village Nawada, Mohan Garden Extension, and No. M-70, Vikas Puri, New Delhi.



2. The plaintiff and the defendants are legal heirs of late Sh. G.S. Thukral and late Smt. Swaran Thukral. The plaintiff and the defendant are real brothers and defendant number 3 is their sister. Defendant no. 2, (a & d), are legal heirs of Satish Kumar Thukral who was the other brother, who passed away on 17th January 2023.

3. It is stated by the plaintiff that defendant no. 1 is residing at first floor in M-70, Vikas Puri, New Delhi. After the passing away of the parents, intestate, the properties would be succeeded between the legal heirs. The list of suit properties has been mentioned in para 4 and 5 of the said plaint.

4. Originally the suit was instituted in 2017, before the District Court, but was subsequently withdrawn on 03rd August 2024 due to the issue of pecuniary jurisdiction.

5. Counsel for plaintiff has also pointed out two statements made by defendant No. 1 before the ADJ on 12th October 2021, stating that they will not construct or create any third party right on the suit property.

6. Accordingly, 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.

7. 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.

8. 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.



9. It is made clear that any unjustified denial of documents may lead to an order of costs against the concerned party.
10. Any party seeking inspection of documents may do so in accordance with the Delhi High Court (Original Side) Rules, 2018.
11. List before the learned Joint Registrar for marking of exhibits on 28th February, 2025.
12. List before the Court on 14th May, 2025.

IA 708/2025 (Application under Order XXXIX Rule 1 & 2 of CPC)

2. Issue notice to the defendant on steps being taken by the plaintiff through all permissible modes, including email.
3. List on 11th March, 2025.
4. Order be uploaded on the website of this Court.

ANISH DAYAL, J

JANUARY 14, 2025/RK/kp