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

+ **CS(OS) 912/2025 & I.A. 31291/2025**

GAURAV JAIN & ANR.

.....Plaintiffs

Through: Mr. Vikas Mishra, Mr. Nikhil Chawla, Mr. Kartik Nagarkatti and Mr. Sanchit Gawri, Advocates

versus

NAVEEN JAIN & ORS.

.....Defendants

Through:

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

% **15.12.2025**

CS(OS) 912/2025

1. Let the plaint be registered as a suit.
2. Issue summons.
3. None appears on behalf of the defendants despite advance service
4. Summons be issued to the defendants through all permissible modes.

The summons shall state that the written statement(s) shall be filed by the defendants within thirty days from the date of the receipt of summons. Along with the written statement(s), the defendants shall also file affidavit of admission/denial of the documents of the plaintiffs, without which the written statement(s) shall not be taken on record.

5. Liberty is given to the plaintiffs to file replication(s), if any, within thirty days from the receipt of the written statement(s). Along with the replication(s) filed by the plaintiffs, affidavit of admission/denial of the



documents of the defendants be filed by the plaintiffs.

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

7. If any of the parties wish to seek inspection of any documents, the same shall be sought and given within the timelines.

8. List before the Joint Registrar on 16th February, 2026 for completion of service and pleadings.

9. List before the Court on 21st April, 2026

I.A. 31291/2025 (u/O-XXXIX Rule 1 & 2 of Code of Civil Procedure, 1908)

10. The present suit has been filed seeking mandatory injunction for the implementation of the Family Settlement Agreement dated 28th May, 2020 or in the alternative, partition of the properties/assets.

11. Plaintiffs and the defendants are family members. Plaintiff no.1 is the son of defendants no.5 and 6 and the brother of defendant no.1.

12. The plaintiff no.1 and the defendant no.1 were carrying out joint family business together.

13. The plaintiffs and the defendants no.1 to 6 entered into a Family Settlement Agreement dated 28th May, 2020 in terms of which, various properties jointly owned by the parties were to be divided amongst each other.

14. The plaintiffs sent a notice to the defendants on 22nd August, 2025, calling upon the defendants to implement the terms of the Family Settlement Agreement. However, no reply thereto has been received.

15. Plaintiffs apprehend that the defendants might create third party rights in the properties which are the subject matter of the Family Settlement



Agreement.

16. None appears on behalf of the defendants despite advance service.
17. Issue Notice.
18. Notice be issued to the defendants *via* all permissible modes, including e-mail.
19. Reply(ies) be filed within four (4) weeks.
20. Rejoinder(s) thereto, if any, be filed within two (2) weeks thereafter.
21. A *prima facie* case is made in favour of the plaintiffs and against the defendants. Balance of convenience is in favour of the plaintiffs and against the defendants. Irreparable injury would be caused to the plaintiffs if the defendants create third party rights in the suit properties.
22. Consequently, till the next date of hearing, the plaintiffs and the defendants no.1-6, their legal heirs, representatives or any person acting on their behalf are restrained from selling, alienating, mortgaging, encumbering, disposing off and creating any third party right, title or interest as well as interfering with the possession of the plaintiffs or parting with the possession of all properties forming subject matter of the Family Settlement Agreement dated 28th May, 2020, including the following properties:



- i. Kirti Nagar Factory i.e., land bearing No.5/33, Kirti Nagar Industrial Area, New Delhi-110015 admeasuring 400 sq. yds;
- ii. Ground Floor, Punjabi Bagh i.e., Entire constructed Ground Floor without roof rights at property bearing no. 32 on Road No. 44, Punjabi Bagh, New Delhi-110026 on the land admeasuring 355.61 sq. yds;
- iii. 1st Floor, Punjabi Bagh i.e., Entire constructed 1st Floor at property bearing no. 32 on Road No. 44, Punjabi Bagh, New Delhi-110026 on the land admeasuring 355.61 sq. yds;
- iv. 2nd Floor, Punjabi Bagh i.e., Entire constructed 2nd Floor with roof rights at property being no. 32 on Road no. 44 Punjabi Bagh, New Delhi-110026 on the land admeasuring 355.61 sq. yds;
- v. Ground Floor, Panchkuian Road i.e., property being 30% undivided share of entire Ground Floor, without roof rights having area admeasuring 153.53 square meters part of property bearing No.43, Block-80, situated at Panchkuian Road, New Delhi-110001;
- vi. 1st and 2nd Floor, Panchkuian Road i.e., property being 30% undivided share of entire 1st Floor and 2nd Floor, with roof rights having area admeasuring 153.53 square meters part of property bearing No.43, Block-80, situated at Panchkuian Road, New Delhi-110001;
- vii. Moti Nagar Factory-1 i.e., A factory admeasuring 500 sq. yards on the plot being 69/2A, Moti Nagar Industrial Area, Rama Road, New Delhi-110015 was constructed on the said plot;
- viii. Moti Nagar Factory-2 i.e., Immoveable property bearing 69/2A with room/terrace rights comprising of



one industrial shed built in freehold land measuring 126 sq. yds. forming part of the property bearing No.69 situated at Industrial Area, Najafgarh, Moti Nagar Industrial Area, Rama Road New Delhi-110015;

23. Compliance under Order XXXIX Rule 3 of the Code of Civil Procedure, 1908 ('CPC') shall be done within three (3) days from today.
24. List before the Joint Registrar on 16th February, 2026 for completion of service and pleadings.
25. List before the Court on 21st April, 2026.

AMIT BANSAL, J

DECEMBER 15, 2025
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