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

+ **CS(OS) 935/2025 & I.A. 31983/2025**

BENU KUMAR SINDHWANI

.....Plaintiff

Through: Mr. Manish Vashisht, Senior
Advocate with Ms. Prachi Vashisht,
Advocate.

versus

ARUN KOHLI

.....Defendant

Through: None.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

% **19.12.2025**

CS(OS) 935/2025

1. Let the plaint be registered as a suit.
2. Issue summons.
3. Summons be issued to the defendant through all permissible modes.
4. The summons shall state that the written statement(s) shall be filed by the defendant within thirty (30) days from the date of the receipt of summons. Along with the written statement, the defendant shall also file affidavit(s) of admission/denial of the documents of the plaintiff, without which the written statement(s) shall not be taken on record.
5. Liberty is given to the plaintiff to file replication, if any, within thirty (30) days from the receipt of the written statement(s). Along with the replication filed by the plaintiff, affidavit of admission/denial of the



documents of the defendant be filed by the plaintiff.

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 24th February, 2026, for completion of service and pleadings.

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

I.A. 31983/2025 (u/O-XXXIX R-1 & 2 CPC)

10. The present suit has been filed seeking possession, declaration and permanent injunction.

11. The plaintiff and the defendant are the legal heirs of Late Smt. Yash Kohli, with the plaintiff being the sister of the defendant.

12. The present suit has been filed in respect of immovable property left behind by the mother of the parties, Smt. Yash Kohli, who passed away *intestate* on 25th January, 2020.

13. At the time of her death, Smt. Yash Kohli was the owner of the basement, ground floor, third floor and terrace in the property bearing no. *D-36, Panchsheel Enclave, New Delhi- 110017, admeasuring 216 sq. mts.* (hereinafter 'suit property').

14. It was the oral understanding between the plaintiff and the defendant that the basement and the ground floor of the aforesaid suit property would devolve upon the defendant whereas the third floor and the terrace would come to the share of the plaintiff.

15. Towards the said understanding, the plaintiff executed a Relinquishment Deed dated 18th February 2020, relinquishing her share in



the basement and the ground floor of the suit property in favour of the defendant. However, the defendant did not execute a Relinquishment Deed in favour of the plaintiff in respect of the third floor and the terrace.

16. When the plaintiff called upon the defendant to provide her the keys of the third floor and the terrace, the defendant refused to do so.

17. It is stated on behalf of the plaintiff that to the knowledge of the plaintiff, the defendant has not propounded any Will of the mother.

18. Subsequently, it came to the knowledge of the plaintiff that the entire suit property has been mutated in favour of the defendant by the MCD via a letter dated 4th November 2025. The plaintiff apprehends that the defendant is trying to create third-party rights in respect of the suit property.

19. Issue Notice.

20. Notice be issued to the defendant through all permissible modes.

21. Reply be filed within four (4) weeks.

22. Rejoinder(s) thereto, if any, be filed within two (2) weeks thereafter.

23. Based on the aforesaid narration of facts, a *prima facie* case has been made out on behalf of the plaintiff. The balance of convenience is in favour of the plaintiff and irreparable injury would be caused to the plaintiff if any third-party right is created in respect of the suit property.

24. Consequently, till the next date of hearing, the defendant is restrained from creating any third-party rights in respect of the third floor and terrace of the suit property, including letting out the same.

25. Compliance under Order XXXIX Rule 3 of the Code of Civil Procedure, 1908, shall be done within five (5) days.

26. List before the Joint Registrar on 24th February, 2026, for completion of service and pleadings.



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

DECEMBER 19, 2025

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AMIT BANSAL, J