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

+ **CS(OS) 65/2025 and I.A. 2595/2025**

MAN MOHAN WAGHEY

.....Plaintiff

Through: Mr. H.C. Sharma, Adv.

versus

VIJAY WAGHEY & ORS.

.....Defendants

Through: None.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINdra KUMAR KAURAV

ORDER

% **31.01.2025**

I.A. 2596/2025 (Exemption)

1. The 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. 2497/2025 (by plaintiff - under Section 151, CPC read with Section 5 of Limitation Act, for condonation of delay of 123 days in re-filing of the plaint)

4. For the reasons stated in the application, the same stands allowed, and the delay of 123 days in re-filing of the plaint stands condoned.
5. Application stands disposed of.



CS(OS) 65/2025 and I.A. 2595/2025 (by plaintiff - for injunction)

6. Heard.

7. The instant civil suit is for the following relief:-

- a. *"Pass a decree of Partition thereby partitioning the suit properties bearing No. X-3050, Gali No. 4, Raghubar Pura- II, Gandhi Nagar, Delhi-110031 and D-140, Sector 27, Noida District Gautam Budh Nagar, UP into six shares thereby granting 1/6th share in both the suit properties in favour of the plaintiff and against the defendants;*
- b. *Pass a decree of mesne-profits in favour of the plaintiff and against the defendant No. 1 thereby directing the defendant No. 1 to pay Rs. 2,20,000/- as mesne-profits w.e.f. October, 2022 to July, 2024@ Rs. 10,000/- per month and to continue to pay future mesne-profits @ Rs. 10,000/- per month till the date of giving share of the plaintiff in the property bearing No. D-140, Sector 27, Noida District Gautam Budh Nagar, UP;"*

8. The plaint be registered as a suit. Summons of this CS(OS) 65/2025 and notice on I.A. 2595/2025 be issued to the defendants by all permissible modes on filing of process fee. Affidavit of service be filed within two weeks.

9. Summons shall state that the written statement(s) shall be filed by the Defendants within 30 days from the date of receipt of summons. Along with the written statement(s), the defendants 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.

10. Liberty is given to the plaintiff to file replication(s) within 15 days of the receipt of the written statement(s). Along with the replication(s), if any, filed by the plaintiff, affidavit(s) of admission/denial of documents of the defendant, be filed by the plaintiff, without which the replication(s) shall not be taken on record. If any of the parties wish to seek inspection of any documents, the same shall be sought and given within the timelines.

11. It is made clear that any party unjustifiably denying documents would



be liable to be burdened with costs.

12. List CS(OS) 65/2025 before the Joint Registrar for further proceedings on 14.05.2025.

13. List I.A. 2595/2025 before this Court on 01.04.2025.

PURUSHAINdra KUMAR KAURAV, J

JANUARY 31, 2025/DPA/SP

Click here to check corrigendum, if any