



\$~63

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

+ **CS(OS) 944/2025, I.A. 32233/2025 & I.A. 32234/2025**

ANJALI SHARMA

.....Plaintiff

Through: Mr. Sudhir Naagar and Mr. Manhar Naagar, Advs.

versus

VINAY SHARMA & ORS.

.....Defendants

Through: Ms. Payal Bahl, Mr. Abhijit Mishra, Mr. Prashant Jaiswal and Mr. Ram Pravesh, Advs. For D-1.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

%

22.12.2025

I.A. 32234/2025 (exemption from filing dim/ legible/ fair typed copies of all annexures/ documents with proper margins)

1. Allowed, subject to the plaintiff filing clearer copies of the documents, legible documents, documents with prescribed margins within four (4) weeks from today.
2. The application stands disposed of.

CS(OS) 944/2025

3. Let the plaint be registered as a suit.
4. Issue summons.
5. Summons are accepted by counsel appearing for defendant no.1 on advance service.
6. Written statement shall be filed by the defendant no.1 within thirty (30) days from today along with affidavit of admission/denial of the

CS(OS) 944/2025

Page 1 of 5



documents of the plaintiff.

7. Summons be issued to the remaining defendants through all permissible modes.

8. The summons shall state that the written statement(s) shall be filed by the defendants within thirty (30) days from the date of the 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.

9. 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 defendants be filed by the plaintiff.

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

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

12. List before the Joint Registrar for completion of service and pleadings on 18th February, 2026.

13. List before Court on 22nd April, 2026.

I.A. 32233/2025 (under Order XXXIX Rule 1 & 2 of CPC)

14. The present suit has been filed seeking relief of partition, permanent injunction along with other ancillary reliefs.

15. Defendants no. 1 and 2 are the brothers of plaintiff and defendant no. 3 is the sister of the plaintiff.

16. It is stated that the mother of the parties died intestate on 5th December, 2024, leaving behind the following movable and immovable



properties:-

S.No.	Particulars of the Property
i	Property No. 579, forming part of Khasra No. 642, Village Chanderwali, Shahdara, Delhi-32 now known as property No. 7/579, Jain Mandir Wali Gali, Shahdara, Delhi-110032 area measuring 70 sq. yards.
ii	One Flat forming part of Property bearing No. 10/57, Shankar Gali, Viswash Nagar, Shahdara, Delhi-32 area measuring 70 sq yards.
iii	Shukra Bazar Road, Village Bhowapur, Ghaziabad,U.P. area measuring 400 sq. yards
iv	Amount lying in Bank Account No. 629201048903 of ICICI Bank, Vishwas Nagar, Delhi – 110032
v	Amount in Bank Account No. 10245280857 of SBI Bank, Anaj Mandi, Delhi
vi	Amount in Bank Account No. 10820153165 of SBI Bank, Branch Chandni Chowk, Delhi
vii	Jewellery lying at the property No. 7/579, Jain Mandir Wali Gali, Shahdara, Delhi-110032

17. The father of the parties predeceased the mother.

18. The present suit has been filed seeking partition of the aforesaid properties of the mother on the basis that the plaintiff and the defendants are Class 1 Legal Heirs, and are entitled to 1/4th share each in the aforesaid properties.

19. It is stated that 3rd and 4th floor of the property mentioned at serial no. (i) had been let out by the mother of the parties, as also the properties mentioned at serial no. (ii) and (iii). However, the rents are being collected by defendants no. 1 and 2.



20. The plaintiff expressed an apprehension that the defendants are trying to create third-party rights in the suit property.
21. Plaintiff has received a letter dated 6th November, 2025, issued by the Sub-Registrar, Vivek Vihar in relation to the gift deed executed by defendant no. 1 in favour of his wife, in respect of the properties at serial nos. (i) and (ii).
22. Issue notice.
23. Notice is accepted by counsel appearing on behalf of defendant no. 1.
24. Counsel for defendant no.1 submits that the gift deed has already been executed by defendant no. 1 in favour of his wife.
25. Let the copy of the registered gift deed be filed along with written statement to-be filed by the defendants.
26. Reply to the application be filed within four (4) weeks.
27. 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 properties.
28. Consequently, till the next date of hearing, *status quo* shall be maintained with regard to title and possession of the properties set out above in paragraph 16.
29. Compliance under Order XXXIX Rule 3 of the Code of Civil Procedure, 1908 shall be done within three (3) days.
30. Counsel for the plaintiff shall take steps to implead the wife of defendant no. 1, in favour of whom the gift deed has been executed.
31. List before the Joint Registrar on 18th February, 2026 for completion of service and pleadings.



32. List before Court on 22nd April, 2026.

DECEMBER 22, 2025
at

AMIT BANSAL, J