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

+ **CS(OS) 952/2025 & I.A. 32446/2025**

SEEMA JAIN

.....Plaintiff

Through: **Dr. Amit George and Mr. Amit Sanduja, Advocates**

versus

SANJAY JAIN & ORS.

.....Defendants

Through:

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

23.12.2025

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CS(OS) 952/2025

1. Let the plaint be registered as a suit.
2. Issue summons.
3. Summons be issued to the defendants through all permissible modes.
4. 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 plaintiff, without which the written statement(s) shall not be taken on record.
5. Liberty is given to the plaintiff 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 plaintiff, affidavit of admission/denial of the documents of the defendants 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 25th February, 2026.
9. List before Court on 27th April, 2026.

I.A. 32446/2025 (u/O-XXXIX Rule 1 & 2 of Code of Civil Procedure, 1908)

10. The present suit has been filed seeking relief of partition and permanent injunction.
11. Defendants no.1 to 4 are the siblings of the plaintiff. Defendant no.5 is the second wife of the father of the plaintiff and the defendant no.6 is the son from the second wife.
12. The father of the plaintiff, Sh. Jai Narayan Jain @ Jai Narain Jain was the absolute owner of property bearing plot No. 20, Ashoka Park Main, Delhi admeasuring 190 sq. yds. (hereinafter the 'suit property'). The said property was the self-acquired property of late Sh. Jai Narayan Jain @ Jai Narain Jain.
13. Sh. Jai Narayan Jain @ Jai Narain Jain passed away intestate on 28th November, 1999 leaving behind seven legal heirs i.e., defendants and plaintiff.
14. Accordingly, the present suit has been filed by the plaintiff claiming 1/7th share in the estate of Sh. Jai Narayan Jain @ Jai Narain Jain.
15. It is stated that the defendants no.1 to 4 are in actual physical possession of the suit property whereas the defendants no.2, 3, 5, 6 and the plaintiff being the co-owners of the property, are in constructive possession



of the suit property.

16. The plaintiff sent a legal notice dated 9th December, 2025 to the defendants calling upon them to partition the suit property and give the 1/7th share to the plaintiff.

16.1. No reply has been received to the said notice.

17. None appears on behalf of the defendants despite advance service.

18. Issue Notice.

19. Notice be issued to the defendants *via* all permissible modes, including e-mail.

20. Reply(ies) be filed within four (4) weeks.

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

22. A *prima facie* case is made out in favour of the plaintiff and against the defendants.

23. Consequently, the parties shall maintain *status quo* with regard to the title and possession of the suit property till the next date of hearing.

24. Compliance under Order XXXIX Rule 3 of the Code of Civil Procedure, 1908 ('CPC') shall be done within three (3) days from today.

25. List before the Joint Registrar on 25th February, 2026, for completion of service and pleadings.

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

AMIT BANSAL, J

DECEMBER 23, 2025
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