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

+ CS(OS) 956/2025 with I.A. 32729/2025, I.A. 32730/2025 and I.A. 32731/2025

SHWETA MEHTA ALIAS SHWETA
KALRA

.....Plaintiff

Through: Ms. Sudershani, Advocate.

versus

SIDHARTH KALRA

.....Defendant

Through: None.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

% **24.12.2025**

I.A. 32731/2025 (exemption from filing certified copies)

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

CS(OS) 956/2025

3. Let the plaint be registered as a suit.
4. Issue summons.
5. Summons be issued to the defendant through all permissible modes.
6. The summons shall state that the written statement 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 of admission/denial of the documents of the plaintiff, without which the written statement shall not be taken on record.



7. Liberty is given to the plaintiff to file replication, if any, within thirty (30) days from the receipt of the written statement. Along with the replication filed by the plaintiff, affidavit of admission/denial of the documents of the defendant be filed by the plaintiff.
8. It is made clear that any unjustified denial of documents may lead to an order of costs against the concerned party.
9. If any of the parties wish to seek inspection of any documents, the same shall be sought and given within the timelines.
10. List before the Joint Registrar on 26th February, 2026 for completion of service and pleadings.
11. List before the Court on 28th April, 2026.

I.A. 32729/2025 (u/O-XXXIX R-1 & 2 CPC)

12. The present suit has been filed seeking partition and permanent injunction in respect of the following properties:

- “(i) First Floor of the Property bearing no. 43, situated in Harsh Vihar, (Opposite Kotak Mahindra Bank Ltd Lok Vihar), Pitampura, Delhi-110034 (hereinafter called the Suit Property No.1).*
- (ii) Shop bearing No. 41, situated in Defence Colony Flyover Market, New Delhi-110024, area admeasuring about 40-50 Sq. Yards (hereinafter called the Suit Property No.2).*
- (iii) Flat bearing no. 242, constructed upon the Plot bearing No. 68, EIL Pragati Co-operative Housing Society Ltd, situated in Sector 55, Gurgram, Haryana-122001 (hereinafter called the Suit Property No.3).*
- (iv) Rs. 4,50,000/- (approximately) plaintiff’s 50% share over Rs. 9,00,000/- (Rupees Nine Lakhs only) lying in the Bank Account standing in name of the father of the plaintiff and defendant in State Bank of India, Branch I.T.O. Building, I.P. Estate, New Delhi, (as per the knowledge of the plaintiff).*



- (v) *Rs. 1,00,000/- (Rupees One Lakhs only) given by the plaintiff through cheque to the wife of the defendant, namely Smt. Sonica Kalra.*
- (vi) *Rs. 2,50,000/- (approximately) plaintiff's 50% share over Rs. 5,00,000/- (Rupees Five Lakhs only) withdrawn by the defendant from the Joint account standing in the name the father and in the name of the defendant), maintained Kotak Mahindra Bank, Branch Lok Vihar, Pitampura, Delhi.*
- (vii) *Rs. 4,50,000/- (approximately) plaintiff's 50% share over Rs. 9,00,000/- (Rupees Nine Lakhs only), withdrawn by the defendant from the bank account standing in the name of the mother of the plaintiff, maintained in Punjab National Bank, Branch Kirti Nagar, New Delhi.*
- (viii) *Rs. 5,00,000/- (approximately) plaintiff's 50% share over Diamond Jewellery and Gold Jewellery, worth around Rs. 10,00,000/- (Rupees Ten Lakhs only) kept by the plaintiff's mother in the locker of the Oriental Bank of Commerce, Branch Kirti Nagar, New Delhi.*
- (ix) *Rs. 3,00,000/- (approximately) plaintiff's 50% share over Bonds worth Rs. 6,00,000/- (Rupees Six Lakhs only) still lying in the bank account standing in the plaintiff's mother maintained in Axis Bank, Branch earlier Lok Vihar, Pitampura, now Engineers Enclave, Pitampura, Delhi, and Shares worth of few lakhs of rupees."*

13. It is stated that the defendant is the brother of the plaintiff. The plaintiff and the defendant are the only children of late Sh. Pran Nath Kalra and Smt. Savita Kalra who expired intestate.

14. The mother of the parties, Smt. Savita Kalra was the owner of the Shop No.41, Defence Colony Flyover Market, New Delhi [S. No. (i) above] (hereinafter the 'Harsh Vihar property') and the property in Gurugram [S. No. (iii) above] (hereinafter the 'Gurugram property').

15. The Harsh Vihar property was owned by the paternal aunt of the



parties, Smt. Shanta Kullar, who executed a Will dated 26th October, 1994 bequeathing the said property in favour of her brother.

16. The various bank accounts/shares/jewellery and other movable assets belong to the parents of the parties.

17. The defendant has also filed a civil suit being CS SCJ/850/2023 seeking the relief of mandatory injunction against the plaintiff in respect of the property at Harsh Vihar.

17.1. In the said suit, the defendant herein has specifically admitted that the plaintiff and the defendant are the joint owners of the Gurugram property and the property situated at Defence Colony [S. No. (ii) above].

17.2. The aforesaid suit is pending before the District Courts at Rohini.

18. The plaintiff resides on the ground floor of the property at Harsh Vihar whereas the defendant resides on the first floor of the said property.

19. It is the case of the plaintiff that the defendant has illegally transferred the Harsh Vihar property in his name *vide* Conveyance Deed dated 31st December, 2019 without any proper documentation. By virtue of the Will dated 26th October, 1994, the Harsh Vihar property was bequeathed upon the father of the parties and since the father passed away intestate, the property came to the joint ownership of the plaintiff and the defendant.

20. None appears on behalf of the defendant despite advance service.

21. Issue Notice.

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

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

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

25. Based on the aforesaid narration of facts, a *prima facie* case has been made out. Balance of Convenience is in favour of the plaintiff and against



the defendant. Irreparable harm would be caused to the plaintiff if the defendant creates third party rights over the suit properties.

26. Consequently, the parties shall maintain *status quo* with regard to title and possession of the aforesaid movable and immovable properties till the next date of hearing.

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

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

29. List before the Court on 28th April, 2026.

AMIT BANSAL, J

DECEMBER 24, 2025

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