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

+ **CS(OS) 963/2025 with I.A. 32858/2025**

MALA BHAGAT BALIPlaintiff

Through: Mr. Adiraj Bali, Advocate.

versus

SANDEEP CHANDRA & ANR.Defendants

Through: None.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

% **24.12.2025**

CS(OS) 963/2025

1. Let the plaint be registered as a suit.
2. Issue summons.
3. Summons be issued to the defendants through all permissible modes including email.
4. 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.
5. Liberty is given to the plaintiff to file replication(s), if any, within thirty (30) days from the receipt of the written statement(s). Along with the replication(s) filed by the plaintiff, affidavit(s) 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 Joint Registrar on 27th February, 2026, for completion of service and pleadings.
9. List before Court on 29th April, 2026.

I.A. 32858/2025 (u/O-XXXIX Rules 1 & 2 of the CPC)

10. The present suit has been filed on behalf of the plaintiff seeking to restrain the defendants from interfering with the peaceful possession of the plaintiff's 1/3rd share in the property being Plot no.207, Block-S, Greater Kailash-II, New Delhi-1100048 admeasuring 300 square yards (hereinafter '*suit property*').
11. It is stated that the plaintiff's mother, late Smt. Sharda Bhagat, and the defendants' father late Lt. Col. R.R. Chandra were siblings.
12. The father of the defendants was the owner of the suit property. He executed a registered Sale Deed dated 19th July, 2002 in favour of the plaintiff's mother in terms of which the first floor of the suit property was transferred to the plaintiff's mother.
13. Subsequently, the plaintiff's mother executed a registered Gift Deed dated 29th November, 2006 in favour of the plaintiff. Hence, it is submitted that the plaintiff is the absolute owner of the first floor of the suit property.
14. It is submitted that one of the witnesses to the said Gift Deed was the father of the defendants.
15. The defendant no.1 is in occupation of the ground floor and defendant no.2 is in occupation of the second floor of the suit property.



16. The first floor of the suit property was in occupation of a tenant who vacated the same on 15th April, 2025.

17. It is submitted that the plaintiff thereafter commenced repair and maintenance work in the first floor of the said property, however, the same was interfered by the defendant no.1.

18. Further, the defendant no.1 is not permitting the plaintiff's access to the courtyard on the ground floor of the suit property where the motor, water pipes and booster pumps are located.

19. It is submitted that clause 17 of the Sale Deed dated 19th July, 2002 in favour of the plaintiff's mother specifically provided that she would have the right to inspect and repair the water pumps, electricity meter, etc. which are located in the courtyard on the ground floor of the suit property. The aforesaid clause is set out below:

17. That the Vendee shall have the right to inspect and repair the Booster Pump, Water Meter, water pipes and under ground water tank at the back courtyard at reasonable hours. The under ground tank will not be displaced by the Vendee and will remain in the present position and can be repaired by the Vendee if required. The entrance to the back courtyard will be from the Service Lane at the rear of the house.

20. The defendant no.1 sent a legal notice dated 6th September, 2025 to the plaintiff disputing the title of the plaintiff over the first floor of the suit property. The notice was duly replied to by the plaintiff on 9th September, 2025.

21. Subsequently, further notices were exchanged between the parties.

22. The grievance of the plaintiff is that the defendant no.1 is interfering in the repair and renovation work being undertaken by the plaintiff in her



own portion of the suit property.

23. The defendant no.1 has also made false complaints to the Chitranjan Park Police Station.

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

25. Issue Notice.

26. Notice be issued to the defendants through all permissible modes including email.

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

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

29. Based on the aforesaid narration of facts, a *prima facie* case has been made out on behalf of the plaintiff.

30. Consequently, the defendant no.1 is restrained from interfering in the peaceful and vacant possession of the plaintiff over the first floor of the suit property.

31. Further, the defendant no.1 is restrained from causing any hindrance in the repair/ renovation work being carried out by the plaintiff in the first floor of the suit property.

32. The defendant no.1 is also directed to permit access to the plaintiff to the courtyard on the ground floor of the suit property for inspecting/ repairing the booster pump, water meter, water pipes, underground water tank, etc.

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

34. List before Joint Registrar on 27th February, 2026, for completion of service and pleadings.



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

DECEMBER 24, 2025

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AMIT BANSAL, J