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

+ **CS(OS) 47/2026**

SMT KIRAN ISSAR

.....Plaintiff

Through: Mr. Mehendra Pratap and Ms. Jessica
Virdi, Advs.

versus

SH MANOJ PASWAN & ORS.

.....Defendants

Through:

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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16.01.2026

I.A. 1105/2026 (seeking condonation of delay of 31 days in re-filing present suit)

1. The present application has been filed seeking condonation of delay of 31 days in re-filing present suit.
2. For the reasons mentioned in the application, the same is allowed.
3. The application stands disposed of.

I.A. 1104/2026 (under Section 151 CPC seeking exemption from filing certified copies, dim/illegible, hand written, photographs and other documents)

4. This is an application on behalf of the plaintiff seeking exemption from filing certified copies, dim/illegible, hand written, photographs and other documents.
5. The application is allowed, subject to all just exceptions.



6. The application stands disposed of.

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7. The plaint be registered as suit.

8. On filing of process fee, summons be issued to the defendants by all permissible modes.

9. The summons shall indicate that written statement must be filed within thirty days from the date of receipt of summons. The defendants shall also file an affidavit of admission/denial of the documents filed by the plaintiff, failing which the written statement shall not be taken on record.

10. The plaintiff is at liberty to file replication thereto within thirty days after filing of the written statement. The replication shall be accompanied by affidavit of admission/denial in respect of the documents filed by the defendants, failing which the replication shall not be taken on record.

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

12. Any party seeking inspection of documents may do so in accordance with the Delhi High Court (Original Side) Rules, 2018.

13. List before the learned Joint Registrar for completion of service, pleadings, admission/denial of documents and marking of exhibits on 24.03.2026.

14. List before Court after completion of pleadings on 29.04.2026.

I.A. 1102/2026 (by plaintiff under Order XXXIX Rules 1 & 2 read with Section 151 CPC seeking interim injunction)

15. Issue notice to the defendants by all permissible modes.

16. The present suit has been filed by the plaintiff praying for recovery of



possession of the suit property bearing no. 26, Surya Niketan, Delhi-110092 (hereinafter, 'the suit property').

17. The case set out in the plaint is that plaintiff is the sole and absolute owner of the suit property, partially constructed on land admeasuring 330.75 sq. Yards having acquired *vide* registered perpetual sub-lease deed dated 12.11.1991 executed by the DDA in favour of the plaintiff.

18. It is stated that plaintiff raised minimum required construction over the same in the year 2021.

19. The plaintiff, who is a widow and senior citizen, is residing permanently at Faridabad with her son.

20. The suit property was lying locked as the same was not being effectively used by the plaintiff, therefore, no electricity connection was obtained by the plaintiff.

21. It was for the first time on 19.12.2023 that the plaintiff came to know through her son that the defendants have broken the locks of the suit property and have started residing there.

22. The plaintiff immediately informed the police, initiated criminal complaint and also filed a civil suit for possession before the District Court.

23. Later on, on account of objection with regard to the pecuniary jurisdiction, the said suit was withdrawn by the plaintiff on 18.09.2025 with liberty to file the suit before the Court having pecuniary jurisdiction, which liberty was granted by the civil court. Thereafter, the present suit has been filed.

24. It is stated that in the civil suit filed before the District Judge, the defendants claimed their possession but did not come out with any document to establish their title over the suit property. They also did not disclose any



right to occupy the said property. It is stated that the plaintiff never sold the suit property either to the defendants or to any person at any point of time.

25. Mr. Mehendra Pratap, learned counsel for the plaintiff has drawn attention of the court to the photographs which indicate that the suit property is not fully built up. It appears to be a plot on which minimum construction has been raised.

26. The attention of the Court is also invited to para 4 of the written statement filed by the defendants in the earlier suit filed before the District Court, wherein the defendants have claimed their possession but have not divulged as to how and in what capacity they are in possession nor have they claimed any title in the suit property.

27. Having regard to the fact that plaintiff has established her ownership over the said property by virtue of lease deed executed in her favour by the DDA, and the defendants in their written statement filed in the earlier suit before the District Court have not given any details of their right in the suit property, I am of the view that the plaintiff has made out a *prima facie* case for grant of *ad interim* order of *status quo*.

28. The balance of convenience is also in favour of an interim order of *status quo* being passed. I am satisfied that the plaintiff will suffer irreparable loss and injury if third party interests are created in the suit property before the next date of hearing.

29. Accordingly, the defendants are directed to maintain *status quo* as to the title and possession of the suit property till the next date.

30. Provisions of Order XXXIX Rule 3 CPC be complied with *qua* the defendants within a period of one week from today and affidavit of compliance be filed within a period of three days thereafter.



31. The defendants will be at liberty to apply for variation, vacation or modification of this order, if necessary.

32. Defendants may file replies to the application within four weeks on receipt of notice. Rejoinder thereto, if any, be filed within a period of two weeks thereafter.

33. List before the learned Joint Registrar for completion of service and pleadings on 24.03.2026.

34. List before Court after completion of pleadings on 29.04.2026.

I.A. 1103/2026 (under Order XXVI Rule 9 read with Section 151 CPC for appointment of Local Commissioner)

35. Issue notice to the defendants by all permissible modes, returnable on 24.03.2026.

VIKAS MAHAJAN, J

JANUARY 16, 2026

N.S. ASWAL