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

+ **CS(OS) 70/2026**

SMT KUSUM GUPTA

.....Plaintiff

Through: **Mr. Shiv Charan Garg, Advocate.**

versus

SMT SAROJ GUPTA & ORS

.....Defendants

Through:

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

% **23.01.2026**

I.A. 1929/2026 (Exemption)

Allowed, subject to all just exceptions.

CS(OS) 70/2026

1. The present Suit is one for partition, possession, declaration, permanent injunction and rendition of accounts in respect of a property bearing No.3, SFS, Shakti Apartments, Ashok Vihar, Delhi-110052 (*hereinafter referred to as "subject property"*).

2. Shorn of unnecessary details, the facts of the case reveal that the subject property belongs to one Late Ms. Saraswati Gupta, who is the sister of the Plaintiff, Defendant No.1, and the deceased Shri Janardan Prasad Agarwal. Defendant Nos.2 and 3 are legal heirs of Shri Late Janardan Prasad Agarwal. It is stated that apart from the subject property, Late Ms. Saraswati Gupta has also left a number of movable properties i.e., Bank Accounts, PPF, Mutual Funds, Shares, Debentures, Provident Funds, Bullion, etc. It is



stated that the Plaintiff has actually taken care of Late Ms. Saraswati Gupta and also provided her all medical facilities because the son of the Plaintiff is a practicing doctor by profession. It is stated that though the Defendants are residing separately, however, they are not agreeing to the request of the Plaintiff for partition of the movable and immovable properties of Late Ms. Saraswati Gupta and, therefore, the present Suit has been filed.

3. Let the plaint be registered as a Suit.
4. Issue summons to the Defendants, to be served through all permissible modes, including through electronic mode and *dasti* as well.
5. Let the Written Statement(s) be filed within the time prescribed under the Delhi High Court (Original Side) Rules, 2018 along with the affidavit(s) of admission/denial of the documents of the Plaintiffs, without which the Written Statement(s) shall not be taken on record.
6. Liberty is given to the Plaintiff to file the Replication(s) within the time prescribed under the Delhi High Court (Original Side) Rules, 2018 along with the affidavit(s) of admission/denial of documents of the Defendants, without which the Replication(s) shall not be taken on record.
7. List before the learned Joint Registrar (Judicial) for further proceedings on 17.04.2026.

I.A. 1930/2026 (Stay)

1. This application under Order XXXIX Rules 1 and 2 CPC read with Section 151 CPC has been filed on behalf of the Plaintiff seeking ad-interim injunction against the Defendants in respect of the subject property.
2. Issue notice.
3. On taking steps, let notice be issued to the Defendants through all permissible modes, including *dasti*.



4. Reply, if any, be filed. Response thereto, if any, be filed before the next date of hearing.
5. List before Court on 21.04.2026.
6. In view of the facts as stated in the application, status quo be maintained in respect of the subject property till the next date of hearing.
7. Compliance of Order XXXIX Rule 3 of the CPC be done within 10 days.

SUBRAMONIUM PRASAD, J

JANUARY 23, 2026

S. Zakir