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

+ CS(OS) 554/2025, I.A. 20280/2025, I.A. 20281/2025,
I.A. 20282/2025 & I.A. 20283/2025

SRI MOHAN GUPTA

.....Plaintiff

Through: Mr. K. C. Mittal, Mr. Yugansh Mittal,
Mr. Keshav Poonia and Mr. Madhur
Gupta, Advocates

versus

SH. BHARAT BHUSHAN GUPTA & ORS.Defendants

Through: Mr. Santosh Kumar Rout, Standing
Counsel for D-10, D-11 and D-18
Mr. Diwanshu Thakur, Advocate for
D-13
Mr. Arun Aggarwal, Advocate for
Bank of Baroda/D-16, D-17

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

% **20.08.2025**

I.A. 20281/2025 (exemption from service notice to government officials)

1. Counsel for the plaintiff does not press this application.
2. Application is dismissed as not pressed.

I.A. 20283/2025 (u/O XI Rule 1 and 14 of CPC)

3. Issue notice.
4. Notice is accepted by counsel for defendant nos. 10, 11, 13, 16, 17, and 18.
5. None appears on behalf of defendants no. 9, 12, 14, and 15 despite advance service.
6. Notice be issued to defendants no. 9, 12, 14, and 15 through all



permissible modes.

7. Subject to the plaintiff furnishing the Aadhaar number and/or the PAN number of his deceased father Sh. Kishan Gupta, defendants no.10 to 18 will furnish the following information to the petitioner:

- i. The details of the accounts held by late Sh. Kishan Gupta.
- ii. The bank statement for last one year before the death of late Sh. Kishan Gupta, who expired on 21st May, 2019.
- iii. Details of Fixed Deposits, if any, of the deceased late Sh. Kishan Gupta.
- iv. Current status of the accounts in the name of late Sh. Kishan Gupta.
- v. If any of the accounts belonging to late Sh. Kishan Gupta have been closed, the date of closure.

8. The details of the demat account(s) of late Sh. Kishan Gupta are mentioned by the plaintiff in paragraph 7(i) and (ii) of the plaint, *i.e.* DP account bearing no. BO ID 10050664 and account bearing no. BO ID 10054750.

9. Defendant no.9 is directed to provide details of transactions of depository accounts of late Sh. Kishan Gupta, maintained by defendant no.9, with effect from the date of opening of the demat account(s) and the details of securities lying in the account of late Sh. Kishan Gupta as on his death on 21st May, 2019.

10. Once the aforesaid information has been submitted by defendants no. 9 to 18, the Court will consider deletion of the name of the said defendants from the array of parties.

11. List before Court on 3rd February, 2026.



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12. Let the plaint be registered as a suit.
13. None appears for defendants no.1 to 8 despite advance service.
14. Since defendants no.9 to 19 are proforma parties, at this stage, summons are being issued to only defendants no.1 to 8.
15. Issue summons.
16. Summons be issued to defendants no.1 to 8 through all permissible modes.
17. 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 of admission/denial of the documents of the plaintiff, without which the written statement(s) shall not be taken on record.
18. Liberty is given to the plaintiff to file replication, if any, within thirty (30) days from the receipt of the written statement(s). Along with the replication filed by the plaintiff, affidavit of admission/denial of the documents of the defendants be filed by the plaintiff.
19. It is made clear that any unjustified denial of documents may lead to an order of costs against the concerned party.
20. If any of the parties wish to seek inspection of any documents, the same shall be sought and given within the timelines.
21. List before the Joint Registrar on 28th October, 2025.
22. List before Court on 3rd February, 2026.

I.A. 20280 of 2025 (application u/O XXXIX Rule 1 and 2 of the CPC)

23. The present suit has been filed seeking relief of partition along with other ancillary reliefs.



24. The plaintiff and defendants no.1 and 2 are siblings and defendants no.3 to 6 are the legal representatives of plaintiff's deceased sister Smt. Kamla Gupta.

25. The plaintiff seeks partition of the estate of Late Sh. Kishan Gupta, who expired on 21st May, 2019 leaving behind the registered Will dated 8th October, 2013.

26. The details of the immovable properties left behind by late Sh. Kishan Gupta given in paragraph 5 of the plaint are set out below:

- a.** One house bearing municipal corporation No.5590,5591 and 5592, New Chandrawal, Kolhapur Road, Delhi-110007.
- b.** One plot area 48 square metre and bearing no.26, pocket 8, sector 22, Rohini, Delhi-110085.
- c.** One House, area 50 square yards, bearing No. B-7, Basti Khajan, Nangal Rai, Delhi Cantt. Comprising of four rooms.
- d.** One house, area 100 square yards, Bearing No.2-B-A, B-block, Tagore Road, Adarsh Nagar, Delhi-110033, which is having three floors as under:



- i. Ground floor consists of three shops i.e. Shop no.3, which stands in common ownership of plaintiff and defendant no.1 as per the will. it is apposite to mention that shop no.1 as per the will was in the name of the plaintiff and shop no. 2 was in the name of defendant no.1 as per the will and since as per the will the shops were already divided hence, relief is claimed qua shop no 1 and 2, which have already been sold by the plaintiff and defendant no1 and the issue only remains of shop no.3.
- ii. That the first floor as per the will has been bequeath on to defendant no.1.
- iii. The second floor has been bequeathed onto the plaintiff.
- iv. The third floor has been bequeathed in equal share between the plaintiff and defendant no.1.the rights for any floor above the third floor (though currently there are none) have been given jointly to plaintiff and defendant no.1. The stairs for the entire property are common between plaintiff and defendant no.1.

27. As per the registered Will, the aforementioned properties have been distributed between the plaintiff and the defendants.

28. Plaintiff also seeks partition of the property bearing 5576, *New Chandrawal, Kolhapur Road, Delhi-110007*, which is not mentioned in the



Will of late Sh. Kishan Gupta.

29. Earlier, plaintiff had sent a legal notice dated 7th September, 2021 to defendants no.7 and 9 and subsequently to defendants no.1 and 8, however, no reply thereto was received. Another legal notice dated 15th April, 2024, was sent to defendants no.1, 7, 8 and 9, however, no reply has been received.

30. None appears for defendants no.1 to 8 despite advance service.

31. Issue Notice.

32. Notice be issued to defendants no.1 to 8 through all permissible modes.

33. Reply(ies), if any, be filed within four (4) weeks.

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

35. Based on the aforesaid narration of facts, a *prima facie* case is made out on behalf of the plaintiff and against the defendants.

36. Balance of convenience is in the favour of the plaintiff and against the defendant.

37. Consequently, *status quo* with regard to title and possession shall be maintained in respect of above-mentioned movable and immovable properties of late Sh. Kishan Gupta, till the next date of hearing.

38. Order XXXIX Rule 3 of Code of Civil Procedure, 1908 (hereinafter "CPC") shall be complied within three (3) days from today.

39. List before the Joint Registrar on 28th October, 2025.

40. List before Court on 3rd February, 2026.

AMIT BANSAL, J

AUGUST 20, 2025/ds