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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 1437/2015, I.As. 10698/2015, 10699/2015, 10700/2015, 10133/2018, 15701/2022, 5221/2023, 6842/2023, 6860/2023**

RAVINDER KAUR Plaintiff
Through: Mr. Vansh Gandotra and Mr. Kartik Gandotra, Advocates (M: 9810821771).
versus

JAGMOHAN SINGH & ORS Defendants
Through: Ms. Aditi Tuteja, Advocate for D-1 (M: 9999630431).
Mr. Deepak Dewan, Advocate for D-6 (M: 9810127778).

CORAM:
JUSTICE PRATHIBA M. SINGH

ORDER
% **18.01.2024**

1. This hearing has been done through hybrid mode.

I.A. 6842/2023 (u/O XXII Rule 9 CPC) and I.A. 6860/2023 (for delay)

2. The application being **I.A. 6842/2023** has been filed by the Plaintiff-Ravinder Kaur under Order XXII Rule 9 CPC for setting aside the abatement of the suit *qua* Defendant No. 4.

3. **I.A. 6860/2023** has been filed by the Plaintiff seeking condonation of delay in filing the application **I.A. 6842/2023**.

4. The application avers that the Defendant No. 4 had passed away on 21st August, 2017. The Plaintiff had moved the above applications for impleadment of legal heirs. The reasons given in the application explaining the delay, are that the Plaintiff is a resident of US, and hence there was a



delay in making enquiries and, thereafter impleaded the said legal heirs. For the reasons stated in the application, the delay in filing the application is condoned. Since, the legal heirs of Defendant No. 4 are permitted are to be impleaded, the abatement of the suit stands recalled.

5. Let the amended memo of parties be filed by the Plaintiff within two weeks.

6. Applications are disposed of.

I.A. 10133/2018 (u/O XXII Rule 4 CPC)

7. This is an application by the Plaintiff under Order XXII Rule 4 CPC seeking impleadment of legal heirs. Since the legal heirs have been permitted to the impleaded and the abatement of suit *qua* Defendant No. 4 stands recalled, the application is disposed of.

I.A. 15701/2022 (u/O VII Rule 11 CPC)

8. The present application has been filed by the Defendant No. 1- Jagmohan Singh seeking rejection of the plaint on the ground of non-payment of Court fee under Order VII Rule 11 CPC.

9. The Court fee has not yet been filed by the Plaintiff. Last and final opportunity is granted to the Plaintiff for filing the deficient Court fee within eight weeks, failing which the suit shall be liable to be rejected for non-payment of Court fee.

10. Application is disposed of.

I.A. 10700/2015 (u/O. XI Rule 12 CPC)

11. This is an application filed by the Plaintiff seeking discovery of title deeds of the following properties (*hereinafter*, 'suit properties'):-

a) Property bearing No. SS3- Site 4, Surajpur, Greater Noida (dimensions and value in the knowledge of



Defendant No. 1)

b) Property bearing Flat No. 903, 9th Floor, Tower- 16, situated at Unitech Habitat Apartment, total area admeasuring about 1730 sq. ft. purchased in Rs. 40 lacs (Rupees Forty Lacs only) (value of the property in the knowledge of Defendant No. 1).

c) Property bearing No. E- 350, Greater Kailash 2, New Delhi- 110048 total admeasuring about 250 sq. yds. valued around Rs. 4 Crore.

d) Property bearing Flat No. 417, Shalom Apartments, Chattarpur, New Delhi, total admeasuring 93 sq. mts. purchased for Rs. 35 lacs (Thirty Five Lacs only)

e) Property situated at Faridabad, Haryana (address and value known to the Defendant No. 1)

f) Commercial Property situated at Gurgaon, Haryana, purchased for Rs. 35 lacs (Rupees Thirty Five Lacs only) (address and value known to Defendant No. 1).

g) Property situated at Rohini (address and value known to Defendant No. 1).”

12. Such of the parties, who are in possession of the said title deeds in respect of the above seven suit properties, shall place the same on record. Insofar as Defendant No. 1 is concerned, Id. Counsel for the said Defendant, on instructions, submits that her client has the title deeds of the property mentioned at (c) above.

13. Accordingly, let the copies of the said title deeds be filed within six weeks.

14. Application is disposed of.

I.A. 10699/2015 (u/O II Rule 2 CPC)

15. This is an application under Order II Rule 2 CPC. The Plaintiff's rights and remedies in respect of the suit properties or estate of her parents, are reserved.

16. Application is disposed of.



I.A. 5221/2023 (deposit of rent)

17. As on date, it is submitted by Id. Counsel for Defendant No. 1 that there is no property which has been tenanted or rented out.

18. Accordingly, this application is infructuous and is accordingly disposed of.

CS(OS) 1437/2015 and I.A. 10698/2015 (stay)

19. The present suit for partition has been filed by the Plaintiff-Ravinder Kaur (*hereinafter*, 'sister') against the remaining siblings i.e. five brothers and another sister. The Defendant No. 1 is the main contesting party. Suit properties in respect of which partition is sought have been already set out above.

20. Vide order dated 19th May, 2015, *status quo* was ordered concerning all the suit properties. Upon examining the suit properties and considering the submissions, it is evident that the Plaintiff could benefit from monetary compensation. Consequently, the Defendant No. 1 is authorized to seek prospective buyers or tenants for the suit properties. Upon finding a potential tenant or buyer, the Defendant No. 1 may file an application to this Court for permission to either rent or sell the properties.

21. It is, however, made clear that no tenant shall be inducted or sale deeds shall be executed without permission of this Court.

22. ***I.A. 10698/2015*** is disposed of.

23. The Defendant No. 1 shall submit an affidavit detailing any tenancies created for any of the properties in question, from the date the suit was filed to the present, within a period of six weeks

24. List before the Joint Registrar for admission/denial on 21st March, 2024.



25. List before the Court on 18th July, 2024.

PRATHIBA M. SINGH, J.

JANUARY 18, 2024

mr/dn