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

+ CS(OS) 3511/2012

ANURADHA BANSAL Plaintiff
Through: Mr. Anupam Gupta, Advocate

versus

PRAMOD KUMAR AND ORS Defendants
Through: Mr. Girish Aggarwal, Advocate with
Mr. Vaibhav Jain, Advocate

CORAM:
HON'BLE MS. JUSTICE HIMA KOHLI

% **ORDER**
05.08.2015

1. The plaintiff has instituted the present suit against her brothers, defendants No.2 and 3 and her uncle (father's brother), defendant No.1, praying *inter alia* that they be restrained from disposing of and / or creating any third party interest in property bearing No.2843 & 2847-2855, Masjid Khajoor, Chailpuri, Kinari Bazar, Delhi, and from creating any third party interest or disposing of a tenanted property bearing No.2181 & 2181A, Kinari Bazar, Delhi.

2. Pleadings are complete. Issues were framed on 13.04.2009. The evidence of the plaintiff has yet to commence.

3. Mr. Aggarwal, learned counsel for the defendants states that apart from the present suit, there are two other litigations, that are pending, including a suit for partition, instituted by the plaintiff and registered as **CS(OS) 1966/2009** entitled Anuradha Bansal vs. Pramod Kumar and Ors. and a probate petition, filed by the defendant No.1 registered as TEST CAS. 107/2008, for seeking probate of a document dated 28.01.2008, stated to be the last will and testament of Shri Vinod Kumar. The probate petition is at the stage of recording of evidence and orders on the partition suit have been deferred to await a decision in the probate petition. Learned counsel submits the suit may be decreed as prayed for by the plaintiff, but the same may be made subject to the decision that may be taken in the pending probate petition.

4. In view of the aforesaid submission, the suit is decreed in favour of the plaintiff and the defendants are restrained from selling, transferring, alienating or creating any third party interest in property bearing No.2843 & 2847-2855, Masjid Khajoor, Chailpuri, Kinari Bazar, Delhi. Further, the defendants are restrained from creating any third party interest and disposing of the tenanted property bearing No.2181 & 2181A, Kinari Bazar, Delhi. It is clarified

that this decree is subject to the final outcome of TEST CAS.107/2008.

5. Decree sheet be drawn accordingly. The suit is disposed of while leaving the parties to bear their own costs.

I.A. 12894-96/2013 (by the plaintiff u/O XXXIX R 2A CPC)

1. In view of the fact that the suit has been decreed in favour of the plaintiff, this Court is not inclined to pass any further orders on the present applications.

2. The applications are disposed of.

CRL.M.A. 12235/2013 (by the plaintiff u/S 340 Cr.PC)

1. Counsel for the plaintiff states that in view of the orders passed above, he does not wish to press this application.

2. The application is disposed of.

HIMA KOHLI, J

AUGUST 05, 2015

rkb/ap