

\$~18

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

+ CS(OS) 36/2016

SH VIJAY KUMAR Plaintiff

Through: Mr. Hari Shanker, Adv.

versus

ASHOK GUPTA & ANR Defendants

Through: None

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% **02.02.2016**

1. This suit for partition was filed by the plaintiff seeking right to the property of father Lt. Sh. Bhoop Singh Gupta. It is, however, noted that there is no reference of any document or title as to how the father is the owner of the property in document filed. Order 6 Rule 4 CPC specifically requires that necessary particulars have to be mentioned in the plaint, and therefore, plaintiff had to mention particularly as to how the father Lt. Sh. Bhoop Singh Gupta was the owner of the suit property bearing No. J-182, RBI Enclave, Paschim Vihar, Delhi-110053 in the plaint but that has not been done. At this stage, counsel for the plaintiff prays for liberty to file a fresh suit giving complete cause of action including factual particulars with reference to documents as to how Lt. Sh. Bhoop Singh Gupta was the owner of the suit property.

2. Accordingly, suit is allowed to be withdrawn with the aforesaid liberty, and in the fresh plaint filed, plaintiff will give complete particulars of cause of action as required by Order 6 Rule 4 CPC showing as to how Lt. Sh. Bhoop Singh Gupta is the owner of the suit property and of which he continued to be the owner till the time of his death.

VALMIKI J. MEHTA, J

FEBRUARY 02, 2016*/hkaur*

CS(OS) 36/2016

page 2 of 2