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

+ **CS(OS) 2/2019 & IA No.65/2019 (u/O XXXIX R-1&2 CPC)**

JENNIFER RODRIGUES Plaintiff

Through: Mr. Sumit Bansal, Ms. Sumi Anand
& Mr. Prateek Kohli, Advs.

Versus

KANAKAMA IRENE RITA SIMON AND ORS..... Defendants

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **08.01.2019**

1. The plaintiff seeks partition of the estate comprising of half share in one flat and another flat left by the deceased unmarried brother of the plaintiff and the defendants.
2. The plaintiff, along with the plaint has not filed any document to show that the properties of which partition is sought belonged to the deceased brother of the plaintiff. Making it clear to the plaintiff that if it is found that the properties did not belong to the deceased brother, the plaintiff shall be liable for payment of actual costs to the defendants, the suit is entertained.
3. Issue summons of the suit and notice of the application for interim relief to the defendants by all modes including dasti and electronic, returnable before the Joint Registrar on 27th February, 2019.
4. List before the Court on 14th May, 2019.
5. Till further orders, the plaintiff as well as the defendants are also restrained from alienating, encumbering or parting with possession of the

half share of the deceased brother Jason Rajaratnam Simon in Flat No.A-203, Navin Apartments, CGHS, Plot No.13, Sector-5, Dwarka, New Delhi-110075 and Flat No.A-405, Navin Apartments, CGHS, Plot No.13, Sector-5, Dwarka, New Delhi-110075.

6. Provisions of Order XXXIX Rule 3 be complied forthwith.

RAJIV SAHAI ENDLAW, J

JANUARY 08, 2019

‘gsr’..