

CS 456/20

MAHESH CHAND Vs. BHARAT SINGH RAJORE

22.10.2024

Present : Mr. S.S. Rajore, Ld. Counsel for plaintiff.
Mr. G.P. Sharma, Ld. Counsel for defendant.

The matter is fixed for arguments on the maintainability of the present suit.

It is argued by Ld. Counsel for defendant that the present suit is filed seeking partition of the suit property by a son against his father. It is further argued that the present suit is not maintainable as the father i.e. defendant is alive and son cannot seek partition during the lifetime of the father.

On the other hand, Ld. Counsel for plaintiff argued that the suit property is an ancestral property and defendant is having right in the same, therefore the present suit filed by the plaintiff is maintainable.

During the course of arguments, Ld. Counsel for defendant admits that the suit property is the ancestral property. In view thereof, the present suit filed by the plaintiff seeking partition of the suit property is maintainable in view of the settled law that a son can seek partition in respect of the ancestral property even during the lifetime of father.

Adjournment sought on behalf of the plaintiff to address arguments on the pending applications.

At request, put up for arguments on pending applications on **19.12.2024**.

(Hem Singh)
District Judge-01
(East)/KKD/Delhi/22.10.2024