

CS DJ 486/19  
SURINDER SINGH  
Vs.  
PAPINDER SINGH

**12.02.2024**

Present : Sh. R.C. Tiwari Adv., Ld. Counsel for plaintiff with plaintiff  
alongwith her 2 sons.  
M.No. 9868118015), email [rshukla755@gmail.com](mailto:rshukla755@gmail.com)

Ms. Jagdeep Kaur Adv., Ld. Counsel for defendants  
alongwith both the defendants.

M.No. 9810656345), email [jagdeep\\_kaur\\_252@gmail.com](mailto:jagdeep_kaur_252@gmail.com)

Heard both the parties.

Both the parties admit that the suit property bearing no. E-259, East of Kailash, New Delhi having area of 200 Sq.yards is jointly owned by plaintiff and defendant no.2. They also admit that plaintiff is in occupation of the ground floor of the suit property and defendants with their family are in occupation of the first floor of the suit property and the terrace is in common occupation.

Admittedly, defendant no.1 had sold his  $\frac{1}{2}$  undivided share in the suit property in favour of his son i.e. defendant no.2 vide registered sale deed dated 13.08.2010.

Ld. Counsel for plaintiff submits that plaintiff does not press for the relief of declaration qua the said sale deed and for the expeditious disposal of the matter, plaintiff drops the said relief and prays for passing of the preliminary decree of partition.

Therefore, it is held that plaintiff and defendant no.2 are having  $\frac{1}{2}$  share each in the **suit property bearing no. E-259, East of Kailash, New Delhi having area of 200 Sq.yards** and preliminary decree is passed in this regard.

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Heard both the parties on the aspect of final decree. There appear to be disagreements between the parties regarding final mode of partition.

Therefore, in order to divide the suit property by metes and bounds, a Local Commissioner is required to be appointed. Therefore, Sh. Sanjay Kumar Pandey, Advocate Enrl. No. D-748A/98, Office at A-335, 2<sup>nd</sup> Floor, Defence Colony, New Delhi-110024, M.No. 9717371892, e-mail [sanpanadvocate@gmail.com](mailto:sanpanadvocate@gmail.com) is appointed as the local commissioner with the following terms of reference:

1. The LC shall visit the suit **property no. E-259, East of Kailash, New Delhi** within a period of 2 weeks from today, by giving notice to both the parties. Both the plaintiffs and the defendants shall render the necessary assistance to the LC in carrying out the inspection.
2. LC shall make a rough sketch plan of each floor of the suit property.
4. LC shall also take the photographs of the suit property from outside and shall suggest the mode and manner in which the suit property can be divided.
5. LC shall also make inquiries in the neighbourhood regarding the value of the suit property as well as of the different floors.
6. LC shall also get the videography of the whole building of the suit property.

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Fees of the Local Commissioner is fixed at Rs.40,000/- to be shared by both the parties in ½ measure each. All other incidental charges in carrying out the inspection including taking of photographs/ videography shall also be borne by both the parties. Copy of this order be given dasti and soft copy be also sent to the LC.

LC shall furnish the copy of the report to the Ld. Counsels for both the parties. Copy of this order be given dasti.

Both the parties are directed to be present on the next date.

Put up for further proceedings on **15.03.2024**.

**(Munish Markan)**  
ADJ-02/(SE), District Courts, Saket,  
New Delhi/12.02.2024

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