

Item No. 03

CS DJ No. 486/19

Surinder Singh v. Papinder Singh

04.04.2026

Present: Ms. Suman Sharma and Sh. R. C. Tiwari, learned counsel for plaintiff alongwith AR of the plaintiff.

Ms. Jagdeep Kaur, learned counsel for both the defendants alongwith both the defendants.

Submission heard. Record perused.

Present is a suit for partition, permanent injunction in respect of property bearing no. E-259, East of Kailash, New Delhi and declaration of sale deed dated 12.08.2010 to be declared as null and void.

Suit was filed by plaintiff Sh. Surinder Singh against defendant no. 1 Sh. Papinder Singh and defendant no. 2 Sh. Gagan Deep Singh Handa.

During the course of proceedings, plaintiff expired. One application under Order 22 Rule 3 CPC for making LR's of the deceased plaintiff party to the suit was allowed vide order dated 13.03.2023 and LR's namely Ms. Gurjeet Kaur Handa (wife), Sh. Baljinder Singh (son) and Sh. Gurminder Singh (son) were made parties to the suit. Subsequently, vide order dated 04.08.2023, application under Order 1 Rule 10 CPC moved by the LR's of plaintiff was allowed and Sh. Baljinder Singh and Sh. Gurminder Singh were deleted from the array of the parties, in view of will executed by Late Sh. Surinder Singh in favour of Ms. Gurjeet Kaur Handa (wife).

Vide order dated 12.02.2024, a preliminary decree was passed in respect of the suit property, holding the plaintiff

and defendant no. 2 entitled for having half share each in the suit property.

Subsequently, both the parties were referred for mediation wherein, the dispute was amicably settled in terms of mediation settlement dated 31.01.2026 Ex.P1, family settlement Ex. P2 and site plan Ex. P3. The statements of LR of plaintiff Ms. Gurjeet Kaur Handa and defendants Sh. Papinder Singh and Sh. Gagan Deep Singh Handa were also recorded in the Court on 11.03.2026 in this regard. Both the parties prayed for passing consent decree in terms of the aforesaid mediation settlement.

Earlier, one application under Order 7 Rule 10 CPC was filed by the defendants alleging want of pecuniary jurisdiction of this Court to entertain the present suit. In response, one application under Section 151 CPC dated 08.10.2025 was filed by the LR of plaintiff stating that inadvertently valuation of the suit for the relief of partition could not be done earlier. Further, the value of the half portion of the suit property was Rs. 31,47,213/- and the total value of the suit property at the time of filing of the suit was Rs. 94,41,639/- which is within the pecuniary jurisdiction of this Court.

Learned counsel for defendants raises no objection to the aforesaid application and submits that in view of the same, she may be allowed to withdraw the application under Order 7 Rule 10 CPC.

In view of the submissions, the application under Order 7 Rule 10 CPC is dismissed as withdrawn.

Application under Section 151 CPC dated 08.10.2025 filed by the plaintiff is treated to be an application under Order 6 Rule 17 CPC and learned counsel for plaintiff is

allowed to make table amendments in the plaint to incorporate the valuation qua the relief of partition of the suit property.

Table amendments made in para 24 of the plaint today.

Court fee of Rs. 20/- is also filed. Be taken on record.

The aforesaid application under Section 151 CPC is accordingly disposed off.

In view of the settlement arrived at between both the parties as per mediation settlement dated 31.01.2026 Ex.P1, family settlement Ex. P2 and site plan Ex. P3, Final Compromise decree is passed to the effect that basement, ground floor and 1st floor of the suit property shall be under ownership of defendant no. 2 Sh. Gagan Deep Singh Handa and 2nd floor and 3rd floor with terrace rights shall be under the ownership of plaintiff Ms. Gurjeet Kaur Handa.

The mediation settlement dated 31.01.2026 Ex.P1 containing rest of the terms and conditions, -family settlement Ex. P2 and site plan Ex. P3, shall form part of the decree.

Decree Sheet be drawn.

Suit is accordingly disposed off having been compromised.

File be sent to records.

**[Kuldeep Narayan]
District Judge - 02
South-East District
Saket Courts, Delhi
04.04.2026 / bh**