

IN THE COURT OF SH. ANKUR JAIN - II, DJ-02,
SHAHDARA DISTRICT, KARKARDOOMA COURTS, DELHI

Civil Suit No.: 908/2023

In the matter of—

SMT. RADHA @ KRISHNA
W/O HARI SHANKAR
D/O SH. PURAN SINGH
R/O 511, CHUTTAN NAGAR,
BIJWASAN VILLAGE, SOUTH WEST DELHI – 110061
ALSO AT B-4/25, GALI NO. 7,
HARSH VIHAR B-3 BLOCK,
SHAHDARA, DELHI – 93.

.....PLAINTIFF

versus

1. SH. LALIT KUMAR S/O SH. PURAN SINGH
2. SH. SHIV KUMAR S/O SH. PURAN SINGH
3. SH. YOGENDRA KUMAR S/O SH. PURAN SINGH
4. SH. PURAN SINGH S/O LT. SH. SUJAN SINGH
ALL R/O B-4/25, GALI NO. 7, HARSH VIHAR,
B-3 BLOCK, SHAHDARA,
DELHI – 93.

.....DEFENDANTS

Date of Institution of suit : 13.12.2023

Date of pronouncement of judgment : 10.03.2026

J U D G M E N T:

1. This is a suit for partition, permanent and mandatory injunction filed by the plaintiff against the defendants.

Brief facts:-

2. It is stated by the plaintiff that she is the daughter of defendant no. 4 Sh. Puran Singh and Late Smt. Savitri Devi, and sister of defendant nos. 1 to 3 (Sh. Lalit Kumar, Sh. Shiv Kumar and Sh. Yogendra Kumar); that on 10.09.2011, Late Smt. Savitri Devi, mother of the parties, had purchased property bearing House No. B-4/25, Gali No. 7, Harsh Vihar, B-3 Block, Shahdara, Delhi-110093, measuring 100 sq. yards built upto ground and first floor (hereinafter referred to as the suit property).
3. It is further mentioned in the plaint that Smt. Savitri Devi died on 17.07.2023, leaving behind the legal heirs i.e. Husband: Defendant no. 4 – Sh. Puran Singh; Daughter: Plaintiff – Smt. Radha @ Krishna and sons: Defendant nos. 1 to 3; that after the death of Smt. Savitri Devi, the plaintiff and the defendants became co-owners/co-sharers of the suit property; that the suit property has not been partitioned till date and the parties are stated to be in joint possession thereof.
4. It is further averred in the plaint that the plaintiff had requested the defendants several times for partition of the suit property, however the defendants refused to acknowledge her share. Hence, this suit.

Proceedings:-

5. Pursuant to the issuance of the summons, defendants were duly served with the summons on 15.07.2024; but they did not file their WS and

their right to file WS was closed on 23.11.2024; that defendants no. 1, 3 and 4 were proceeded ex-parte on 26.03.2025 and the matter was listed for ex-parte PE.

6. Plaintiff has led her ex-parte evidence and stepped in the witness box as PW-1. PW-1 tendered her evidence by way of affidavit **Ex.PW1/1A** and relied upon the documents as follows:-

S. No.	Exhibit numbers or Marks	Documents
1.	Ex. PW1/1	Site plan.
2.	Ex. PW1/2 (OSR)	Copy of Aadhar Card of Deponent.
3.	Ex. PW1/3	Death Certificate of Smt. Savitri Devi.
4.	Mark A to Mark F	GPA, Agreement to Sell, Affidavit, Receipt, Possession Letter and Will Deed all dated 10.09.2011.
5.	Mark G to Mark I (colly.)	GPA, Agreement to Sell and Will deed all dated 09.03.2024.

7. No cross-examination of PW-1 was conducted on behalf of defendant no. 2, and since the defence of the defendants was already struck off, the matter was listed for ex-parte final arguments.
8. It was submitted by Ld. Counsel for plaintiff on 14.07.2025 that she has relied upon the previous chain of title documents qua the suit property in favour of the erstwhile owner Sh. Dhara Singh, however inadvertently it is mentioned in the examination-in-chief of PW1 that the said documents pertain to the date of 09.03.2024 [Mark-G to Mark-

I (colly)], whereas it should have been 09.03.2004, and that the date of the said document may be read as 09.03.2004. Ld. Counsel for the defendants had no objection to the said submission of Ld. Counsel for plaintiff, and therefore, the date of documents marked as [Mark-G to Mark-I (colly)] mentioned in the examination-in-chief of PW1 shall now be read as 09.03.2004.

9. Thereafter, an application under Order 9 Rule 7 r/w section 151 CPC along with application under Order 8 Rule 1 CPC was filed on behalf of defendants no. 1-4 for recalling the order dated 26.03.2025 passed by this Court whereby the defendants were proceeded ex-parte and for recalling the order dated 23.11.2024 whereby the right of defendants to file WS stood closed, and to take on record the WS filed on behalf of defendants alongwith the condonation of delay in filing the WS.
10. Whereas vide order dated 02.08.2025 passed by this Court, the delay in filing the WS filed on behalf of the defendants was condoned in the interest of justice so that the matter may be decided effectively between the parties on merits, and the WS filed on behalf of the defendants was taken on record vide order dated 02.08.2025 subject to costs of Rs.4,000/- to be paid to the plaintiff, however, despite granting several opportunities, the said costs was not paid by the defendants to the plaintiff, and vide order dated 07.03.2026 passed by this Court, the WS filed on behalf of defendants was taken off the record due to non-payment of the costs and non-compliance of orders dated 02.08.2025 and 27.10.2025 passed by this Court, and the matter was fixed for ex-parte final arguments.

11.Ex-parte final arguments heard.

Analysis:-

- 12.The plaintiff has filed the present suit for partition qua the suit property bearing House No. B-4/25, Gali No. 7, Harsh Vihar, B-3 Block, Shahdara, Delhi-110093, measuring 100 sq. yards built upto ground and first floor stating that the same belonged to her mother Lt. Smt. Savitri Devi, who died intestate on 17.07.2023, pursuant to which the plaintiff being the daughter and one of the LRs of Lt. Smt. Savitri Devi had become the co-owner having 1/5th share in the suit property.
- 13.In this regard, plaintiff has examined herself as PW-1 and has relied upon the death certificate of her mother Lt. Smt. Savitri Devi as Ex.PW1/3; title documents i.e. GPA, Agreement to Sell, Affidavit, Receipt, Possession Letter and Will Deed all dated 10.09.2011 as Mark A to Mark F qua the suit property in the name of her mother Lt. Smt. Savitri Devi, which has not been disputed by the defendants.
- 14.Since the defendants have never contested the present suit, nor conducted the cross-examination of PW-1, the averments of the plaintiff/ PW-1 remained unchallenged and uncontroverted.
- 15.Accordingly, plaintiff is entitled for grant of partition, permanent and mandatory injunction qua the suit property against the defendants, thereby declaring the plaintiff being one of the legal heirs of Lt. Smt. Savitri Devi, is entitled to 1/5th share in the suit property and the defendants are directed not to create any third party interest or to create any hindrance or obstruction in the use and enjoyment of the suit property by the plaintiff in any manner whatsoever.

Conclusion:-

16. In view of the above, the present suit stands decreed in favor of the plaintiff and against the defendants and the plaintiff is entitled for grant of partition, permanent and mandatory injunction qua the suit property against the defendants, thereby declaring the plaintiff being one of the legal heirs of Lt. Smt. Savitri Devi, is entitled to 1/5th share in the suit property and the defendants are directed not to create any third party interest or to create any hindrance or obstruction in the use and enjoyment of the suit property by the plaintiff in any manner whatsoever.
17. No order as to the costs.
18. Let a preliminary decree sheet be prepared in the aforesaid terms.
19. Now, to come up for partition of the suit property by metes and bounds equally between the parties pursuant to the inquiry Under Order 20 Rule 18 CPC and for filing of any proposal by both the parties in this regard and for passing of the final decree on 02.05.2026.

**Announced in the Open Court
on this 10th day of March, 2026.**

**(ANKUR JAIN - II)
DISTRICT JUDGE – 02,
SHAHDARA, KKD COURTS, DELHI**