

CS DJ 139/22
ANAND KUMAR GARG AND ORS
Vs.
SANTOSH GARG AND ORS

06.01.2024

Present: Ld. Counsel for plaintiff.

Ld. Counsel for the defendants.

Arguments heard on the pending application under Order 12 Rule 6 CPC.

It seems that suit is for partition of property between family members and defendant side is claiming that there was an oral partition in the year 2004 and therefore this suit could not be maintained. Plaintiff side is however claiming that the suit property was sold to Smt Santosh, Sh. Raj Kumar, Shri Anand Garg, Ms. Sangita jointly, the partition is required and they should be given a decree by virtue of Order 12 Rule 6 CPC on account of admission made by the defendants that the said sale deed is genuine. I am of the view that claim of oral partition can be validly made and therefore without giving an opportunity to the defendant side to lead evidence to establish their claim, a decree on admission cannot be passed. The application is dismissed.

List for PE on **01.06.2024.**

(Rakesh Kumar Singh)
ADJ-02/(N-W), Rohini Courts
Delhi/06.01.2024