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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CS(OS) 1900/2015

MANIKA MADAN

Through

..... Plaintiff

Ms. Payal Jain, Advocate

versus

MAMTA NAGPAL & ANR

Through

..... Defendants

Mr. Vikram Singh, Advocate for D-1.
Lt. Col. Baruna Madan, D-2 in person.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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12.10.2017

I.A. 11956/2016

Present application has been filed under Order 12 Rule 6 CPC for judgment on admission.

Learned counsel for the plaintiff/applicant states that the present suit has been filed with regard to three immovable and three movable properties. She points out that one of the said properties, i.e., built up Third Floor with terrace roof rights out of the half undivided share of Cottage property no. 6 with proportionate land underneath measuring 159.5 sq. yds. situated in the abadi of West Patel Nagar, New Delhi – 110 008 is co-owned equally by the plaintiff and the defendants. In support of her contention, she refers to the Sale Deed dated 28th December, 2004.



The defendant no. 2, who is personally present in Court, supports the case of the plaintiff.

On the other hand, learned counsel for the defendant no. 1 states that his client would be at a loss as the defendant no. 2 shall enjoy the properties of the answering defendant no. 1, while answering defendant no. 1 would have to wait for many years for her share of the properties.

Having heard learned counsel for the parties, this Court is of the view that as the plaintiff and the defendants are admittedly equal co-owners of West Patel Nagar property, parties are entitled to a preliminary decree.

Consequently, a preliminary decree is passed defining the share of the plaintiff and the defendant nos. 1 and 2 as one-third share each in property bearing no. built up Third Floor with terrace roof rights out of the half undivided share of Cottage property no. 6 with proportionate land underneath measuring 159.5 sq. yds. situated in the abadi of West Patel Nagar, New Delhi – 110 008. Registry is directed to prepare a preliminary decree of partition with regard to the aforesaid property.

Accordingly, the application stands disposed of.

CS(OS) 1900/2015 & I.A. 13243/2015

Parties are directed to personally present in Court on the next date of hearing.

List on 15th December, 2017.

MANMOHAN, J

OCTOBER 12, 2017

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