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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CS(OS) 76/2021, I.A.1634/2021

SUNITA

W/o Ram Mehar

R/o. H. No. 66 Street No.1,

Gamri, North East Delhi.

..... Plaintiff

Through: Mr. Rakesh Sherawat, Mr. Vikram  
Choudhary, Advocates.

versus

1. RAVINDER  
S/o. Late Ratan Lal  
R/o H.No. 230, Zalim Mahalia,  
Village Tughlakabad  
New Delhi - 110044
2. ANOOP  
S/o. Late Ratan Lal  
R/o.H.No. 230, Zalim Mahalia,  
Village Tughlakabad  
New Delhi- 110044.
3. RAJEEV  
S/o. Late Ratan Lal  
R/o.H.No. 230, Zalim Mahalia,  
Village Tughlakabad  
New Delhi - 110044.
4. ASHA  
W/o Late Ashok  
R/o. D-57, Gali No. 2,



Saurabh Vihar,  
Jaitpur, Badarpur  
New Delhi-110044.

5. SHIVALI  
W/o. Arjun  
R/o. D-57, Gali No. 2,  
Saurabh Vihar,  
Jaitpur, Badarpur  
New Delhi-110044.
6. VISHAL @ LADDU  
S/o Late Ashok  
R/o. D-57, Gali No. 2,  
Saurabh Vihar,  
Jaitpur, Badarpur  
New Delhi-110044.
7. NAVIN @ GAURAV  
S/o Late Ashok  
R/o D-57, Gali No. 2,  
Saurabh Vihar,  
Jaitpur, Badarpur  
New Delhi-110044

..... Defendants

Through: D-2 and D-3 in person.

**CORAM:**  
**HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA**

**ORDER**  
**29.08.2022**

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1. The plaintiff had filed a suit for Partition, Rendition of Accounts and for Permanent Injunction in respect of the property bearing No.1, Near Shiv Mandir, Zalim Mohalla, Village Tukhlakabad, New Delhi-110044, as well



as property bearing No. 230, Zalim Mohalla, Village Tukhlakabad, New Delhi-110044.

2. A Preliminary Decree has been passed on 15<sup>th</sup> July, 2022 whereby the 1/5<sup>th</sup> share each in the two properties going to the plaintiff and defendant Nos. 1, 2 & 3 while 1/20<sup>th</sup> share in the two properties each to the defendant Nos. 4,5,6 & 7(1/5<sup>th</sup> divided amongst the 4 legal heirs).

3. Learned counsel for plaintiff submits that defendant No.2 and 3 are appearing in person and other defendant Nos.1, 4, 5, 6, & 7 have not put an appearance. It is requested that a Local Commissioner may be appointed to ascertain the mode of partition by metes and bounds.

4. Considering the submissions made, Mr. Anirudh Sharma, Advocate, Mobile No.9999080715, is appointed as the Local Commissioner who is directed to visit the suit properties bearing No.1, Near Shiv Mandir, Zalim Mohalla, Village Tukhlakabad, New Delhi-110044, as well as property bearing No. 230, Zalim Mohalla, Village Tukhlakabad, New Delhi-110044, and submit a report to the Court suggesting whether the suit property can be partitioned by metes and bounds amongst the parties to the suit, having regard to their respective shares. The Local Commissioner will visit the afore-said property, after giving due notice to the counsel for the parties, and after seeing the present status of the suit property including the portions in possession/ occupation/ residence of the different shareholders, suggest ways and means to partition the suit property by metes and bounds. In case exact division as per the respective shares is not possible, then the Local Commissioner will suggest ways and means to offset any extra area/ portion for and against any of the parties. Counsel for the parties shall lend full assistance to the Local Commissioner in carrying out the inspection and



provide all necessary documents/ site plan, etc. as be requested by the Local Commissioner.

5. The fee of the Local Commissioner is fixed as Rs.75,000/-, which shall be borne equally by all the parties. The out-of-pocket expenses for preparing the site plan shall also be borne by all the parties jointly.

6. The copy of the report shall also be furnished to all counsels for the parties, who shall then be at liberty to file their objections thereto, if any, before the next date of hearing.

7. Since, the parties are already dealing with the tenants jointly and also collecting and sharing the rent equally, no further directions in this regard are required to be made.

8. Accordingly, the matter be listed for consideration of Report of Local Commissioner for ascertaining Mode of Partition for the purpose of Final Decree on 31<sup>st</sup> October, 2022.

**NEENA BANSAL KRISHNA, J**

**AUGUST 29, 2022**

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