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

+ RFA 214/2023, CM APPL. 12677-12678/2023

SANJAY KUMAR & ANR.

.....Appellants

Through: Mr. Rajesh Kalra and Mr. Gaurav
Chaudhry, Advocates.

versus

KAMLESH KUMAR

.....Respondent

Through: Appearance not given.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

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27.03.2026

1. Appeal under Section 96 of CPC has been filed on behalf of the Appellant against Judgment and Decree dated 15.12.2022, whereby Suit for Partition filed by the Plaintiffs / Appellants has been rejected on technical grounds of the property being described as Plot No.A-12, Shiv Vihar, Masjidwali Gali, Uttam Nagar, New Delhi, while the correct property Number was 50-E, Shiv Vihar, Masjidwali Gali, Uttam Nagar, New Delhi.
2. The Record shows that Defendant has never raised any objection in the Written Statement, in regard to the property number, that got mentioned. In fact, both parties led their evidence in respect of Property No.50-E, Shiv Vihar, Masjidwali Gali, Uttam Nagar, New Delhi.
3. It is evident that learned Trial Court has dismissed the Suit for Partition on the ground that there being discrepancy in the property number mentioned in the Plaint, even though, entire evidence of both the parties, were led in respect of Property No.50-E, Shiv Vihar, Masjidwali Gali, Uttam Nagar, New Delhi.



4. In view of technical discrepancy, the impugned Judgment and Decree dated 15.12.2022 is hereby, set aside and the matter is remanded back to the learned Trial Court, wherein the Appellants / Plaintiff shall move appropriate Application within 30 days for amendment of the Plaint. Consequently, amended written statements / evidence be taken by learned Trial Court and the matter be decided afresh.
5. Accordingly, the Appeal with pending Applications is disposed of.
6. Parties are directed to appear physically before the learned Trial Court on 15.04.2026.

NEENA BANSAL KRISHNA, J.

MARCH 27, 2026/R