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

+ CS(OS) 566/2018 & I.A. 4619/2021

HARMOHINDER SINGH Plaintiff

Through: Ms. Meena Chaudhary Sharma,
Mr. Saurabh Goel, Advocates
(M:9811047445)

versus

JOGINDER SINGH AND ORS. Defendants

Through: Mr. Rajiv K. Garg, Mr. Shivam
Banga, Mr. Govind Singh, Mr.
Ashish garg, Advocates for D-1
(M:9810002830)

17 AND

+ EX.P. 39/2019 & EX. APPLs.(OS) 212/2019, 1405/2021

SARDAR HARMOHINDER SINGH Decree Holder

Through: Ms. Meena Chaudhary Sharma,
Mr. Saurabh Goel, Advocates

versus

SARDAR JOGINDER SINGH Judgement Debtor

Through: Mr. Rajiv K. Garg, Mr. Shivam
Banga, Mr. Govind Singh, Mr.
Ashish garg, Advocates

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

% **16.11.2022**

[Physical Hearing/ Hybrid Hearing]

I.A. 4619/2021 (u/S 151 of CPC for directions)

1. This is an application on behalf of the plaintiff pursuant to letter received from the Registry.
2. The present was a suit for partition, which was decreed vide



Judgment dated 15.11.2018. Vide the said judgment dated 15.11.2018, the plaintiff, i.e., Mr. Harmohinder Singh and defendant, i.e., Mr. Joginder Singh, being brothers have been held to have 50% share each in the suit property. After judgment dated 15.11.2018, for the purpose of drawing the decree, a letter dated 06.02.2020 was issued by the Registry of this Court calling upon the plaintiff to pay stamp duty amounting to Rs.15,96,759.05/- for the purpose of preparation of the decree. Letter dated 06.02.2020 issued by the Registry of this Court is reproduced as follows:

*“I am directed to inform you that the aforesaid suit was disposed off on 15.11.2018 by this Hon 'ble Court and to say that the decree in the above noted case shall be drawn on your filing of **Stamp Duty (Blank e-stamp) amounting to Rs.15,96, 759.0Sp.***

You are, therefore, requested to inform the same within two weeks on receipt of this letter enabling the Registry to draw decree.”

3. Subsequently, another letter dated 10.02.2021 was issued by the Registry to the plaintiff, wherein the demand for filing of stamp duty was reiterated. The said letter dated 10.02.2021 issued by the Registry of this Court is reproduced as follows:

“In continuation of this court's earlier letter No.1811-12/1 dated 06. 02.2020, I am directed to inform you that the aforesaid suit was disposed of on 15.11.2018 by this Hon 'ble Court and to say that the decree in the above noted case shall be drawn on your filing of Stamp Duty(Blank E-stamp) amounting to Rs. 15,96,759.05p.

You are, therefore, requested to furnish the same within two weeks on receipt of this letter enabling the



Registry to draw decree.”

4. It is clear that vide judgment dated 15.11.2018, both the brothers have been held entitled to 50% share each in the suit property. Thus, it is directed that stamp duty which is payable for the purpose of drawing up the decree, shall be paid by both the plaintiff as well as the defendant to the extent of their share in the suit property, i.e., 50% each.

5. With the aforesaid directions, the present application is disposed of.

EX.P. 39/2019 & EX. APPLs.(OS) 212/2019, 1405/2021

6. List on 24.02.2023.

MINI PUSHKARNA, J

NOVEMBER 16, 2022

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