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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(OS) 234/2020 & I.A. 7450/2020 (O-XXXIX R-1 & 2 of CPC),
I.A. 13396/2021 (O-XII R-6 of CPC)

NAWABUDDIN Plaintiff
Through: Mr. M.S. Khan, Ms. Neha Khan and
Mr. M. Arshyan, Advocates

versus

SALAHUDDIN & ANR. Defendants
Through: Mr. Alamgir, Advocate

CORAM:
HON'BLE MR. JUSTICE AMIT BANSAL

ORDER
22.09.2022

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1. The present suit has been filed seeking relief of partition along with other consequential reliefs in respect of property bearing No.B-7, Nizamuddin West, New Delhi admeasuring 200 sq. yds (suit property). The plaintiff claims 1/3rd share in the suit property. The Conveyance Deed in respect of the suit property is in the joint names of the plaintiff and defendants no.1 and 2, who are brothers.
2. In the written statement, this position has been admitted on behalf of defendants no.1 and 2. Accordingly, the counsels for both the sides submit that the preliminary decree be passed in terms of the above.
3. In view of the above, a preliminary decree of partition is passed in respect of the suit property declaring the share of the plaintiff, defendants no.1 and 2 as 1/3rd each in the suit property.



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4. Decree sheet be drawn up.
5. Accordingly, Mr. Akhil Kumar Kulshrestha, Advocate (Mobile No. 9999933215) is appointed as the Local Commissioner. The Local Commissioner shall visit the suit property to ascertain if the suit property can be divided by metes and bounds and if not, then suggest the mode of partition. The following directions are passed in this regard:
 - I. The Local Commissioner after giving due notice to the counsels for the parties shall visit the suit property along with the parties and/or the counsels appearing on behalf of the parties and prepare a Report ascertaining, if the suit property can be divided by metes and bounds and if not, then suggest the mode of partition.
 - II. The parties and/or the counsels appearing on behalf of the parties shall render full assistance to the Local Commissioner for executing the present commission.
 - III. The fees of the Local Commissioner is fixed at Rs.1,50,000/- plus out of pocket expenses, to be borne equally by the plaintiff, defendant no.1 and defendant no.2.
 - IV. The Local Commissioner shall file his Report within four weeks.
6. List on 6th February, 2023.

AMIT BANSAL, J.

SEPTEMBER 22, 2022

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