



2026:DHC:5464

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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 234/2020 & I.As.7450/2020, 13396/2021, 19754/2022**

NAWABUDDIN Plaintiff

Through: Mr. M.S. Khan & Mr. M. Arshyan,
Adv. (M: 9810720041)

versus

SALAHUDDIN & ANR. Defendants

Through: Appearance not given.

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

% **05.03.2024**

1. This hearing has been done through hybrid mode.
2. The present is a family dispute seeking partition as also relief of separate possession and injunction with respect to the property bearing no. B-7, Nizamuddin West, New Delhi, admeasuring 200 square yards (hereinafter referred as the '*suit property*'). The Plaintiff and the Defendants are brothers in the present case.
3. As per the plaint, the Plaintiff and Defendant Nos. 1 & 2 are the co-owners of the suit property having purchased the same vide the registered sale deed dated 2nd December, 1975. The property has since been converted as a freehold property in the name of the Plaintiff and the Defendants. It is further stated that the other brothers and sisters of the plaintiff have relinquished their respective shares which they had inherited from Late Smt. Amina Begum, mother of the Plaintiff and Defendant Nos. 1 and 2 and hence, they became the exclusive owner of the said property.
4. Defendant Nos.1 & 2 are not appearing in this matter. Preliminary



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decree has been passed vide order dated 22nd September, 2022. The Local Commissioner's report has also been received.

5. An application under Order I Rule 10 CPC being ***I.A.19754/2022*** has now been filed by two applicants namely Mr. Jamaluddin and Mr. Anasuddin, who claim that the suit property was purchased by their father and, thus, they deserve to be impleaded before any decree can be passed.

6. Today, Id. Counsel for the Applicants seeks an adjournment. Considering the fact that arguments on behalf of the Plaintiff has been made that the relinquishment deeds, which are registered, having been executed by the Applicants in favour of the Plaintiff and other two brothers *i.e.* Defendant Nos.1 & 2, it is directed that the parties shall remain present in Court on the next date of hearing.

7. List on 16th May, 2024.

8. Copy of this order be served upon all the parties through SHO PS Nizamuddin (West). Those parties, who do not appear, adverse reference would be liable to be drawn against them.

PRATHIBA M. SINGH, J.

MARCH 5, 2024/dk/ks