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

+ **CS(OS) 440/2022**

SH. JAG MOHAN VATS & ORS.

.....Plaintiffs

Through: Mr. Manish Vats, Mr. Hemant Vats,
Advs., for Plaintiffs

versus

SH. JAI BHAGWAN VATS & ORS.

.....Defendants

Through:

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

29.04.2026

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I.A. 11588/2025

1. This Application has been filed on behalf of the Defendant No.1 seeking permission to reconstruct the boundary wall of 650 sq. yds. in Khasra No. 546/1/1 (1-0) in extended Lal Dora Abadi of Village Mundka, New Delhi [**“land in question”**].
2. The present Suit is one for partition of the estate of Late Sh. Balkishan Vats. The Plaintiffs and the Defendants are siblings.
3. It is stated by the learned Counsel for the Defendant No.1 that the wall around the land in question is in dilapidated condition and is breaking down and, therefore, needs to be repaired. Learned Counsel for the Defendant No.1 further states that no prejudice would be caused to the Plaintiff if the boundary wall of the land in question is repaired. He also states that the repairs will be done at the cost of the Defendant No.1 and the



he will not claim any equities on the construction that will be carried out.

4. Learned Counsel for the Plaintiff has objections to certain averments in the Application. He states that it is disputed that the existing wall was constructed by the Defendant No.1. He also contends that construction inside the land in question is also a matter of dispute between the parties.

5. Be that as it may, this Court is neither making any comments nor adjudicating upon the fact as to who constructed the boundary wall or whether the construction is within the boundary of the land in question, but considering the fact that the boundary wall is in dilapidated condition and is on the verge of breaking, this Court permits the Defendant No.1 to construct the boundary wall on the following conditions:

- a. The Defendant will not claim any equity on the construction/repair of the boundary wall.
- b. The construction/repair shall only be limited to the boundary wall. Any structure other than boundary wall will be out of the scope of the construction/repair work.

6. With these observations, the Application is disposed of.

CS(OS) 440/2022 & I.A. 12083/2022, I.A. 18904/2023, I.A. 1985/2025

7. List before the learned Joint Registrar on 22.07.2026.

SUBRAMONIUM PRASAD, J

APRIL 29, 2026

Rahul