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

CNR No. DLHC010390022022

+ **CS(OS) 640/2022**

AMIT KUMAR

.....Plaintiff

Through: Ms. Chandrani Prasad and Mr. Anuj
Jain, Advocates with Plaintiff In-
person

versus

SMT MALA GUPTA & ORS.

.....Defendants

Through: Mr. Nagendra Kasana, Adv.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

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18.08.2026

I.A. 4894/2026

1. The instant Suit has been filed by the Plaintiff for partition of the following four properties:-
 - i. Property No.146P, Sector-46, Faridabad, Haryana-121010, measuring 466 sq. yds;
 - ii. Property No.209, Sector-45, Faridabad, Haryana-121010, measuring 500 sq. yds.;
 - iii. Property No.74, Pocket-1, Jasola, New Delhi-110025, measuring 300 sq. yds.;
 - iv. Property No.330/A/1/2, Chauhan Mohalla, Madanpur Khadar, New Delhi-110076, measuring 150 sq. yds.
2. It is the case of the Plaintiff that these four properties are available for



partition. It is the case of the Plaintiff that the Plaintiff and the Defendants jointly have one half share in the properties which are mentioned at Serial Nos. i, ii and iv. As far as property mentioned at Serial No. iii is concerned, it is stated that the Plaintiff has 1/3rd share and the Defendants jointly have 2/3rd share in the said property.

3. This Court *vide* Order dated 15.07.2025 had requested Mr. J. P. Sengh, learned Senior Advocate, to act as a Local Commissioner to carry out final partition in terms of the shares declared in the preliminary decree and amicably settle the dispute between the parties.

4. It now seems that even though more than one and a half years have passed, the Local Commissioner has yet not been able to persuade the parties to bring out an amicable settlement.

5. Be that as it may, the shares have been ascertained. It is stated by learned Counsel for the Defendants that as far as the Property bearing No.74, Pocket-1, Jasola, New Delhi-110025 measuring 300 sq. yds. is concerned, the Defendants are residing in the said property and he has a right of pre-emption. Learned Counsel for the Plaintiff states that the Plaintiff is also residing in the said property.

6. This Court notes that since no settlement is possible regarding division of the other three properties, this Court has no other option but to sell the other three properties so that the proceeds can be divided between the parties according to their shares which have been ascertained.

7. Ms. Praveena Gautam, Advocate, (Mob: 9868100376) is appointed as the Local Commissioner for the purpose of sale of the properties. The fee of the Local Commissioner is fixed at Rs.3 lakhs. The sale proclamation be settled by the learned Joint Registrar.



8. The fee for publication be deposited jointly by the parties. The fee of the Local Commissioner is to be given to the Local Commissioner before the Local Commissioner proceeds with the auction.

9. List on 17.09.2026, in the Supplementary List, for reporting compliance regarding payment of fees of the Local Commissioner and for further directions.

SUBRAMONIUM PRASAD, J

AUGUST 18, 2026
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