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

+ **CS(OS) 709/2023**

RENU CAPRIHAN & ANR.

.....Plaintiffs

Through: Mr . Mandeep Singh Vinaik with Ms .
Anjali Sharma, Mr Deepak Bashta,
Mr . Sk Sagar, Ms Rahini Vinaik, Ms.
Thanglunkim & Mr. Gaikhuanlung,
Advocates

versus

SANGEETA GROVER

.....Defendant

Through: Mr. Aman Nandrajog and Ms.
Bhawana Mapwal, Advocates

+ **CS(OS) 337/2024**

SANGEETA GROVER

.....Plaintiff

Through: Mr. Aman Nandrajog and Ms.
Bhawana Mapwal, Advocates

versus

RENU CAPRIHAN & ORS.

.....Defendant

Through: Mr . Mandeep Singh Vinaik with Ms .
Anjali Sharma, Mr Deepak Bashta,
Mr . Sk Sagar, Ms Rahini Vinaik, Ms.
Thanglunkim & Mr. Gaikhuanlung,
Advocates

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD



ORDER

05.11.2024

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CS(OS) 709/2023

CS(OS) 337/2024

1. The following issues are framed:

“1. What are the respective undivided proportionate shares of the parties, i.e., Renu Caprihan, Arjun Caprihan and Sangeeta Griver in the undivided land underneath the structure that is the subject matter of this suit? (ONUS ON BOTH PARTIES)

2. What are the areas that can be delineated as Common Areas in the structure of the suit property and the respective rights of use and enjoyment of the parties? (ONUS ON BOTH PARTIES)

3. Whether a suit for partition is maintainable in respect of common areas in a building? If yes, in what proportions? (ONUS ON BOTH PARTIES)

4. Was any agreement entered into between the present plaintiffs and the parents and brothers of the defendant, namely Mr. Suraj Prakash Marwah and Mrs Tripta Marwah as to usage and enjoyment of common areas? (OPP)

5. If the answer to the issue no. 4 is in the affirmative, was the said agreement as to usage and enjoyment of common areas binding on the present defendant, Sangeeta Grover? (OPP)

6. Whether the sale deed dated 23 August 2005 is void? OPD

7. Whether defendant no. 2s claim to ownership of the First Floor is legally tenable? OPD.



Whether the construction and operation of a clinic by Mrs. Renu Caprihan in the basement parking area is permissible? OPD”

2. List before Ld. Joint Registrar for trial on 04.12.2024.

I.A. 21970/2023, I.A. 630/2024, I.A. 7746/2024

List on 11.11.2024.

SUBRAMONIUM PRASAD, J

NOVEMBER 05, 2024

Rahul