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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ RFA 489/2024, CM APPL. 44982/2024, CM APPL. 44983/2024, CM
APPL. 44985/2024

SATBIR (SINCE DECEASED) THR LRS AND ORS.....Appellants

Through: Mr. Nishant Anand and Mr.Jatin
Kumar, Advocates

versus

MAYA DEVI

.....Respondent

Through:

CORAM:

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

% **07.08.2024**

RFA 489/2024

1. The present Appeal impugns the Preliminary Decree of Partition dated 15.03.2024 passed with respect to the suit property identified as WZ-75, WZ-75A and WZ- 75B, measuring around 250 Sq. Yards on both sides of the MCD Park in Village Dashghara, New Delhi-15.
2. Learned Counsel for the Appellants submit that there is a finding on record that the property neither belongs to the Appellants nor to the Respondent, but both have possessory rights therein.
3. It is the contention of the Respondent/Plaintiff that the property has been in possession of their fathers and forefathers for a long time and that her brother including the Appellants have deprived the Respondent/Plaintiff of their possessory rights.



4. Learned Counsel for the Appellant submits that the land in issue is a public land and belongs to Ministry of Defence. Learned Counsel seeks to rely upon a Site Plan filed, which is annexed as Annexure P-11 in support of his contentions.
5. Prior to issuing notice in this matter, it is necessary that appropriate clarification be obtained with respect to the land in issue.
6. Let the Appellant provide a complete set of paper book to the Standing Counsel for Union of India for this purpose. The Standing Counsel for Union of India is requested to file a Status Report in the matter, before next date of hearing.
7. The Appellant shall also provide a complete set of paper book to the Respondent as well as Counsel for the Respondent, who appeared before the Trial Court. Learned Counsel for the Appellant shall ensure that the copies be provided within three days.
8. An Affidavit of service be filed by the Appellant within one week
9. List on 17.09.2024.

TARA VITASTA GANJU, J

AUGUST 7, 2024/tp

Click here to check corrigendum, if any