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

+ **CS(OS) 1780/2006**

DIWAN CHAND ANAND

..... Plaintiff

Through: Mr. P.K. Rawal and Mr. Tarun
Agarwal, Advocates

versus

SHRI DEEP CHAND ANAND AND OTHERS

..... Defendants

Through: Proxy counsel (Appearance note
given) for Mr. Jai Sahai Endlaw,
Advocate for LR's of D-34

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

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28.11.2022

I.A. 19882/2022

1. This is an application under Order XII Rule 6 read with Section 151 of the Code of Civil Procedure, 1908 on behalf of plaintiff seeking the following reliefs:-

“1. That in view of the facts stated above as well as the pleadings available on record, there is a clear-cut admission on the part of the defendants and hence no further trial is required as in the present case, the plaintiff (Now deceased) has filed a suit for partition claiming himself to be the owner of 1/6th share in the suit property. This fact has not been denied that the deceased plaintiff was having his share to the extent of 1/6th and hence after the death of the deceased plaintiff, the present legal heir of the plaintiff Smt Rashmi Saraswat has the same equal rights in view of the Will executed, as mentioned above and hence the plaintiff is entitled to 1/6th share in the



entire property i.e 30 Bigha 04 Biswas of land with built-up structure thereupon situated at Khasra nos. 393, 394 & 395, Village Kharera (Near Hauz Khas), now knowns as Property No. 1, Sri Aurbindo Marg, New Delhi.

2. That there is no bar for passing of the orders/Preliminary decree whereby giving the 1/6th share to the plaintiff in view of the clear, unequivocal, unambiguous and unconditional admission of the defendants.

In view of above, it is therefore most respectfully prayed that this Hon'ble Court may be pleased to allow the present application and may kindly Pri-decree the suit of the plaintiff as prayed for thereby declaring that the plaintiff and the defendants/legal Heirs of the defendants are having their 1/6th undivided share each in the suit/scheduled property, in the interest of justice... ”

2. Heard.
3. Proxy counsel for LR's of defendant no. 34 appears on advance notice.
4. On filing PF within a week, issue notice to the remaining defendants through all permissible modes, returnable on 13th March, 2023.

CHANDRA DHARI SINGH, J

NOVEMBER 28, 2022

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