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

+ **CS(OS) 725/2024, I.A. 2054/2026 & I.A. 2055/2026**

YASHPAL TYAGI AND ORS.

.....Plaintiffs

Through: None.

versus

HIMADRI SHEKHAR AND ORS.

.....Defendants

Through: Ms. Sucharita Ghosh, Adv. for D-4 & 5 (through VC)

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

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23.01.2026

I.A. 2054/2026 & I.A. 2055/2026

1. The present application, i.e., *I.A. 2054/2026* has been filed on behalf of defendant nos. 1 and 2, under Order VII Rule 11, read with Section 151 of the Code of Civil Procedure, 1908 ("CPC"), for rejection of the plaint.
2. As per the application, the Supreme Court as well as the High Court, have consistently held that a suit for partial partition, without any cogent justification, is not maintainable, especially, where the plaintiff is aware of the existence of the other joint properties.
3. As per the application, a perusal of the plaint reveals that the plaintiffs have failed to furnish any cogent or legally tenable justification for the deliberate exclusion of certain *khasra* numbers from the ambit of the present suit, while seeking a decree of partition in their favour.
4. *I.A. 2055/2026* has been filed seeking condonation of delay in re-



filing the application, i.e., I.A. 2054/2026.

5. Issue notice. Notice is accepted by learned counsel appearing for defendant nos. 4 and 5.

6. Issue notice to the other non-applicants, by all modes.

7. Let reply be filed by the non-applicants, within a period of four weeks, from today.

8. Rejoinder thereto, if any, be filed, within a period of two weeks, thereafter.

9. List before the Joint Registrar on the date already fixed, i.e., 23rd March, 2026.

MINI PUSHKARNA, J

JANUARY 23, 2026/SK