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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 62/2024, I.A. 1677/2024, I.A. 1678/2024 and I.A. 1679/2024**

YOG SINGH MANN & ANR.Plaintiffs

Through: Mr. Saurabh Sharma and Mr.
Ashutosh Ranjan, Advs.

versus

SMT. SATYA MANN & ORS.Defendants

Through: Mr. Vishal Maan, Adv.

CORAM:
HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER
24.04.2025

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I.A. 3926/2025 (under Order XII Rule 6 read with Section 151 of CPC, 1908)

1. On 29.04.2024, the Court passed the following order:-

"1. Learned counsel for the parties state that after the filing of the pleadings, there is no subsisting dispute with regard to the shares of the respective parties in the suit properties.

2. My attention is drawn to page 11 of the written statement filed by the defendants, wherein the shares of each party in the four suit properties have been elaborated. It is stated therein that Ms. Pinky, wife of late Mr. Arvind Mann, has a share in the properties. The contention of the defendants is that plaintiff No. 2, who is the ex-wife of late Mr. Arvind Mann, has no share in the property.

3. Learned counsel for the plaintiffs states that the plaintiffs accept this position, and plaintiff No. 2 does not wish to press her claims in the suit.

4. At the request of learned counsel for the plaintiff, Ms. Pinky, stated to be the wife of late Mr. Arvind Mann, is impleaded as defendant No. 5. Amended memo of parties be filed within three days from today.

5. Issue summons to defendant No. 5 by all permissible modes on

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filing of process fee and filing of amended memo of parties. Dasti service in addition is permitted. Defendant No.5 may also be served through learned counsel appearing for defendant Nos. 1 to 4. Affidavit of service be filed within one week.

6. Mr. Vishal Maan, learned counsel, has already appeared on behalf of defendant Nos. 2 to 4, who are the minor children of late Mr. Arvind Mann and Ms. Pinky. He states that he will take instructions on behalf of Ms. Pinky. Mr. Vishal Maan is permitted to file his vakalatnama on behalf of Ms. Pinky within one week.

7. The summons shall indicate that written statement must be filed by defendant No.5 within thirty days from the date of receipt of summons. Defendant No.5 shall also file affidavits of admission/denial of the documents filed by the plaintiffs, failing which the written statement shall not be taken on record.

8. The plaintiffs are at liberty to file replication thereto within thirty days after filing of the written statement. The replication shall be accompanied by affidavits of admission/denial in respect of the documents filed by defendant No.5, failing which the replication shall not be taken on record.

9. It is made clear that any unjustified denial of documents may lead to an order of costs against the concerned party.

10. Learned counsel for the parties also state that they would like to make an effort to work out the modalities of partition amongst themselves, as some of the properties are relatively small and parties may wish to adjust their shares in the properties inter se. They seek a reference to mediation for this purpose

11. At the request of learned counsel for the parties, they are referred to mediation under the aegis of Samadhan, Delhi High Court Mediation and Conciliation Centre, Shershah Road, New Delhi-110503 ["Samadhan"].

12. For the present, plaintiff No. 2 will also participate in the mediation proceedings and may inform the learned Mediator if she does not wish to press her claims in the suit.

13. Mr. Vishal Maan, learned counsel for the defendants, states that he will represent defendant No.5 in the mediation. However, in the event she is not properly represented in the mediation proceedings, the learned Mediator is requested to refer the matter to the Court

14. List before the learned Mediator on 14.05.2024

15. List before the Joint Registrar for completion of service and pleadings, marking of exhibits and admission/denial of documents on 09.07.2024.

16. List before the Court on 17.09.2024."

2. Learned counsel for the defendants, on instructions, submit that he

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does not have any objection to the grant of preliminary decree, subject to the directions, which have already been passed on 29.04.2025, to the extent that plaintiff No.1 shall be entitled to 1/6th share of the over the suit property, whereas, plaintiff No.2 shall not be entitled to any share.

3. All parties are *ad idem* on the aforesaid submission.

4. In view of the aforesaid, the Court passes the preliminary decree, in terms of the prayer made in the civil suit, with the slight modification that plaintiff No.1 and the defendants shall be entitled to 1/6th share over the suit property, whereas, the plaintiff No.2 shall not be entitled for any share.

5. Ordered accordingly.

6. Let the registry to draw a preliminary decree.

7. Further, the Court also appoints Mr. Siddhant Singh, Adv (Email: singhsiddhant.adv@gmail.com, Mobile No. 9654422804) as a Local Commissioner to submit the valuation report of the suit property and also decide as to whether the suit property in question can be divided by metes and bounds.

8. The remuneration of the learned Local Commissioner is fixed for Rs.2,50,000/-, besides the actual expenses, if any, which as of now shall be borne by the plaintiff.

9. However, the same shall be recoverable from the proceeds of the suit property and shall be divided between the parties, proportionate to their share of the suit property.

10. Let a copy of the order be sent to the Local Commissioner through electronic mode as well.

11. I.A. stands disposed of.

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12. List before the concerned Joint Registrar for fixing the date before the Local Commissioner on 22.07.2025.

PURUSHAINDR KUMAR KAURAV, J

APRIL 24, 2025/DPA/MJ

Click here to check corrigendum, if any

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