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

+ **RFA 877/2025**

YASHPAL

.....Appellant

Through: Mr. C.P. Vig, Advocate.

versus

SOM TRADING COMPANY AND ORS.

.....Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% **17.09.2025**

CM APPL. 59039/2025 (exemption)

Exemption granted, subject to just exceptions.

Let requisite compliances be made within 01 week.

The application stands disposed of.

RFA 877/2025

CM APPL. 59038/2025 (stay)

By way of the present appeal filed under section 96 of the Code of Civil Procedure 1908, the appellant impugns judgment and decree dated 27.05.2025 passed by the learned District Judge - 01, Central District, Tis Hazari District Courts, Delhi in suit bearing CS DJ No.609590/2016.

2. Mr. C.P. Vig, learned counsel appearing for the appellant submits, that the appellant has not challenged the preliminary decree dated



18.09.2018; and the present appeal only challenges judgment and final decree dated 27.05.2025 to the *limited* extent that the learned trial court has held that the suit property cannot be divided by *metes and bounds* and has accordingly directed the property to be sold by way of public auction.

3. Learned counsel for the appellant submits, that as would be seen from objections filed by the appellant to the report filed by the learned Local Commissioner in terms of order dated 19.10.2019, the property is amenable to partition by *metes and bounds* and there is accordingly no need for the property to be sold in auction. Mr. Vig has *inter-alia* drawn attention to para 6 of the objections filed by the appellant and to a site plan appended therein.
4. Issue notice.
5. Upon the appellant taking steps, let notice be sent to the respondents by all permissible modes, returnable for the next date.
6. Let the notice indicate that reply to CM APPL. No.59038/2025 be filed within 06 weeks of service; rejoinder thereto, if any, be filed within 04 weeks thereafter; with copy to the opposing counsel.
7. No reply is required in the appeal.
8. Let trial court record be requisitioned in electronic form; and copy of TCR be supplied to counsel on request.
9. Re-notify on 14th January 2026 before the learned Joint-Registrar for completion of service; and for completion of pleadings in CM APPL. No.59038/2025.
10. List before court thereafter.



11. On a *prima-facie* view of the matter and in view of the submissions made, effect and operation of the impugned judgment and decree dated 27.05.2025, inasmuch as it directs sale of the suit property by public auction, shall remain *stayed*, till the next date of hearing.

ANUP JAIRAM BHAMBHANI, J

SEPTEMBER 17, 2025/ak