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

+ CS(OS) 3137/2011

SUNDER LAL JAIN

.....Plaintiff

Through: Mr. Nikilesh Ramachandran,
Mr.Shubham Seth, Advs.

versus

PREM CHAND JAIN & ANR

.....Defendants

Through: Mr. Abinash Kumar Mishra,
Advocate for D-1 along with D-1 in
person.

+ CS(OS) 2038/2012 & I.A. 5320/2016, I.A. 8554/2016, I.A. 8555/2016

SUNDER LAL JAIN

.....Plaintiff

Through: Mr. Nikilesh Ramachandran,
Mr.Shubham Seth, Advs.

versus

PREM CHAND JAIN & ORS

.....Defendants

Through: Mr. Abinash Kumar Mishra,
Advocate for D-1 along with D-1 in
person.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

10.01.2025

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1. The present suits have been filed for partition of the suit property.
2. A preliminary decree has been passed apportioning the share of the suit property. A Local Commissioner was appointed on 05.03.2024 to



ascertain as to whether the suit property can be divided by metes and bounds. The Local Commissioner has given a report on 29.02.2024. Paragraph Nos.8, 9 and 10 of the report of the Local Commissioner reads as under:

“8. That given the complexities involved in dividing the suit property, it is important to note that any attempt to partition the property by metes and bounds could lead to disputes among the parties regarding the exact demarcation of their respective shares. Such disputes could further complicate the matter, leading to prolonged litigation and additional expenses for all parties involved.

9. That the division of the suit property could potentially lead to a significant reduction in its market value. The property, as a whole, is likely to attract a higher price in an open market, given its location and size. Fragmentation of the property into smaller portions, especially considering the small share sizes involved, might not only diminish its value but also make it less appealing to potential buyers.

10. That this Hon’ble Court may consider appointing an officer of the court to manage the sale of the property. This would ensure that the sale process is conducted transparently and that the proceeds are maximized for the benefit of all parties involved. The appointment of an officer of the court would also help in addressing any procedural or logistical challenges that might arise during the sale.”

3. A perusal of the aforesaid indicates that the Local Commissioner is of the opinion that it is not feasible to divide the suit property by metes and bounds as it will diminish the value of the suit property considerably.
4. Learned Counsel for the Plaintiff and Defendant No.1 appears today.



Defendant No.1 is present in person.

5. Learned Counsel for the Plaintiff and Defendant No.1, who is present in Court today, submit that endeavour shall be made to find a buyer to whom the suit property will be sold and, thereafter, proceeds can be apportioned. They pray for some time for the same.

6. List on 28.02.2025 for further proceedings.

SUBRAMONIUM PRASAD, J

JANUARY 10, 2025

S. Zakir