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

+ CS(OS) 373/2018 & I.A. 10085/2018, I.A. 4843/2019, I.A. 18864/2022, I.A. 30805/2025, I.A. 4950/2026, I.A. 4951/2026

AJAY KUMAR SINGHAL & ORS.Plaintiffs
Through: Mr. Naveen Sharma, Adv. (Through VC)

versus

MANGE RAM GUPTA & ORS.Defendants
Through: Mr. Abhinav Sharma, Adv. for LR's of D-1 (Through VC)
Email: abhinavsharma@virayalegal.com
Mr. Ashok Kumar, Adv. for D-2 to 4 (Through VC)
Mr. A.M. Nair and Mr. Nishant Kantawala, Adv's. (D-5)

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER
23.02.2026

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I.A. 4951/2026 (For Exemption)

1. Exemption allowed, subject to all just exceptions.
2. Application is accordingly disposed of.

I.A. 4950/2026

3. The present application has been filed on behalf of defendant no. 5, under Section 151 of the Code of Civil Procedure, 1908 ("CPC"), for directions.
4. It is submitted that the plaintiffs have instituted the present suit



seeking partition, declaration and permanent injunction in respect of immovable property bearing No. 29, Church Lane, Bhogal, Jangpura, New Delhi-110014, admeasuring 342 sq. yards.

5. During the pendency of the proceedings, the disputes between the parties were amicably resolved and the Division Bench in *FAO(OS) 137/2022* passed a preliminary decree *vide* order dated 19th December, 2022, whereby, $\frac{1}{2}$ undivided share, admeasuring 171 sq. yards in the suit property, was declared in favour of the plaintiffs and defendant nos. 1 to 4 collectively. The remaining $\frac{1}{2}$ undivided share, admeasuring 171 sq. yards, was declared in favour of defendant no. 5.

6. It is submitted that a Local Commissioner (“LC”) was appointed to effect partition and pursuant thereto, the LC had submitted his report dated 16th February, 2023, along with a site plan, delineating the respective portions and possession of the parties.

7. It is submitted that the LC had observed that the physical partition of the suit property by metes and bounds was not feasible and thus, had recommended sale of the property by way of *inter se* bidding amongst the co-sharers, in terms of the provisions of Partition Act, 1893.

8. It is to be noted that *vide* order dated 17th September, 2025, this Court appointed another LC to conduct *inter se* bidding between the plaintiffs and defendant nos. 1 to 4, as defendant no. 5 had made a statement before the Court that his $\frac{1}{2}$ share stood identified in terms of the earlier Report of LC dated 16th February, 2023 and therefore, defendant no. 5 did not wish to participate in the bidding process.

9. It is submitted that prior to participation in the *inter se* bidding process, the plaintiffs and defendant nos. 1 to 4 mutually partitioned their $\frac{1}{2}$



undivided share and executed a Memorandum of Understanding (“MoU”) dated 08th January, 2026, recording the terms of their *inter se* arrangement.

10. Thus, it is submitted that the ½ undivided share of defendant no. 5, admeasuring 171 sq. yds., has already been specifically identified and demarcated in the Report dated 16th February, 2023, as submitted by the LC.

11. In view thereof, it is the case on behalf of defendant no. 5 that defendant no. 5 is entitled to exclusive possession, use and enjoyment of his identified portion of the suit property, and to deal with the same independently.

12. Thus, it is submitted that at the time of passing of the final decree, 1/2 share admeasuring 171 sq. yds., falling to the share of defendant no. 5 in the suit property, be declared and confirmed in favour of defendant no. 5 accordingly.

13. The aforesaid statement is taken note of, which shall be considered at the time of passing final decree.

14. The present application is accordingly disposed of.

CS(OS) 373/2018

15. It is submitted that learned counsel appearing for defendant nos. 2 to 4, is unable to join through Video Conferencing (“VC”) and an accommodation is sought.

16. Accordingly, at request, re-notify on 17th March, 2026.

MINI PUSHKARNA, J

FEBRUARY 23, 2026/SK