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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(OS) 3454/2014, I.A. 15196/2017 & I.A. 14667/2018

JAGDISH PERSHAD TYAGI & ORS

.....Plaintiffs

Through: Mr. J.K. Srivastava and Ms. Taruna,
Advs.

versus

SAROJ TYAGI & ORS

.....Defendants

Through: Mr. Rajesh Kumar and Ms. Mansi
Aggarwal, Advs. 3 - 7
Mr. Sanjeev Kumar Tyagi, Adv. for
D-8

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

18.10.2024

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1. The present suit has been filed by the plaintiff seeking partition of the suit property bearing No. 266, Village Hauz Rani, Opposite Press Enclave, New Delhi – 110017.

2. It is an admitted case of the parties that the said property was owned by late Smt. Ram Kirti Devi who died intestate on 25.07.1974 leaving behind the following legal heirs:

- | | | |
|------------------------------|---|---------|
| (a) Shri Raghunath Pershad | - | Husband |
| (b) Shri Satya Prakash Tyagi | - | Son |
| (c) Shri Ranjit Singh Tyagi | - | Son |
| (d) Shri Ranvir Singh Tyagi | - | Son |



(e) Shri Jagdish Pershad Tyagi - Son

(f) Ms. Krishna Tyagi - Daughter

3. It is further an admitted position that the husband of late Smt. Ram Kirti Devi also passed away on 08.10.1980 and he is survived by his five legal heirs mentioned at Sr. no.(b) to (f) in the foregoing paragraph.

4. The sons of late Smt. Ram Kirti Devi namely, Sh. Ranjit Singh Tyagi, Sh. Ranvir Singh, Sh. Satya Prakash Tyagi and Sh. Jagdish Pershad Tyagi also passed away on 30.03.2012, 01.11.2013, December 1989 and 05.06.2018, respectively.

5. The present suit has been filed by the plaintiff who is the daughter of Sh. Ranjit Singh Tyagi, the deceased son of late Smt. Ram Kirti Devi.

6. The defendant nos. 1 & 2 are the LRs of late Ranvir Singh Tyagi; defendant nos. 3 to 7 are the LRs late Satya Prakash Tyagi whereas the defendant nos. 9A to 9C are the legal heirs of late Jagdish Pershad Tyagi. The defendant no. 8 is the daughter of late Smt. Ram Kirti Devi.

7. As it is not in dispute that late Smt. Ram Kirti Devi died intestate, therefore, her estate would devolve upon her legal heirs to the extent of following shares:

S.No.	Name	Share
1.	Smt. Preeti Aggarwal, adopted D/o Sh. Ranjit Singh Tyagi	1/5 Share
2.	Smt. Saroj Tyagi Wd/o Late Sh. Ranvir Singh Tyagi	1/10 Share



S.No.	Name	Share
3.	Sh. Rajiv Tyagi, S/o Late Sh. Ranvir Singh Tyagi	1/10 Share
4.	Smt. Bhagwati Devi Wd/o Late Sh. Satya Prakash Tyagi	1/25 Share
5.	Sh. Yatender Kumar Tyagi S/o Late Sh. Satya Prakash Tyagi	1/25 Share
6.	Smt. Lata Tyagi W/o Sh. Sudhir Tyagi	1/25 Share
7.	Smt. Neelam Tyagi D/o Late Sh. Satya Prakash Tyagi	1/25 Share
8.	Smt. Manju Tyagi D/o Late Sh. Satya Prakash Tyagi	1/25 Share
9.	Smt. Krishna Tyagi D/o Smt. Ram Kirti Devi	1/5 Share
10.	Smt. Vijay Tyagi LR of Sh. Jagdish Pershad Tyagi	1/15 Share
11.	Ms. Charu Pathak LR of Sh. Jagdish Pershad Tyagi	1/15 Share
12.	Ms. Vineeta Tyagi LR of Sh. Jagdish Pershad Tyagi	1/15 Share

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8. The learned counsel appearing on behalf of defendants nos. 3 to 7 and 8 submit that they have no objection in case preliminary decree of the suit property is passed declaring the above shares.
9. Insofar as defendant nos. 1 and 2 are concerned, a perusal of their written statement also makes it is evident that late Smt. Ram Kirti Devi died intestate and all her class I legal heirs are entitled to share in the suit property.
10. Since it is an admitted position that late Smt. Ram Kirti Devi died intestate and the shares of the parties are also not in dispute, therefore, there is no use of putting the suit to trial and record the evidence.
11. Hence, the preliminary decree is passed declaring that the parties shall have their share in the suit property as mentioned in para 7 above.
12. The decree sheet be prepared in the above terms.
13. The interim order dated 16.01.2015 is made absolute during the pendency of the suit and accordingly I.A. No. 22386/2014 stands disposed of.
14. In view of above, I.A. No. 15196/2017 under Order XII Rule 6 of the CPC filed by the plaintiff seeking passing of the decree of the basis of admissions also stands disposed of.
15. At this stage the learned counsel for the parties jointly prays that Local Commissioner be appointed to suggest the mode of partition.
16. Accordingly, Mr. Vidit Anand, Advocate (Mobile No. 8882666690) is appointed as Local Commissioner to visit the suit property and interact with the parties and suggest the mode of partition.
17. The Local Commissioner shall be at liberty to engage the services of an Architect for the purpose of deciding whether the property can be partitioned by metes and bounds. The fee of the Architect, as well as, other incidental and out of pocket expenses shall be borne by the parties in the proportion of their



respective share.

18. Let report be filed by the Local Commissioner within a period of six weeks.

19. The fee of the Local Commissioner is fixed at Rs. 2 Lakhs to be shared by the parties in the proportion of their share in the suit property.

20. Re-notify on 20.12.2024.

VIKAS MAHAJAN, J

OCTOBER 18, 2024/N.S. ASWAL