

Munishwar Kumar Vs. Rakesh Kumar and ors

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Court : Delhi

Decided On : Feb-12-2014

Judge : G. S. Sistani

Appellant : Munishwar Kumar

Respondent : Rakesh Kumar and ors

Judgement :

§~31. * IN THE HIGH COURT OF DELHI AT NEW DELHI + CS(OS) 804/2012
Date of Decision:12th February, 2014 % MUNISHWAR KUMAR Through :
Plaintiff Mr.Amit Jagga, Adv. versus RAKESH KUMAR & ORS Through :
Defendants Mr.Baldev Malik and Mr.Arjun Malik, Advs. G.S. SISTANI, J.

(ORAL) 1. Plaintiff has filed the present suit for partition with respect to the property no.24/104, West Patel Nagaar, New Delhi, and for permanent injunction.

2. As per the plaint, parties are close relations being real brothers and sisters. The parents of the parties died intestate. The father of the parties, during his life time, out of his own earnings and funds acquired the suit property bearing no.24/2014, West Patel Nagar, New Delhi, by way of registered Lease Deed executed by Land and Development Office in his favour. The father thereafter raised construction over the said property from his own funds and had been residing in the property. The suit property was thereafter converted from lease hold to free hold by the father of the parties vide Conveyance Deed dated 31.7.1997. The father died

intestate leaving the parties as his only Class-I legal heirs.

3. Preliminary decree was passed on 4.12.2012, defining the share of the parties as 1/5th each in the suit property. CS(OS) 804/2012 1/2 4. Learned counsel for the parties submit that the parties are unable to decide the mode of partition. Since the property is only 100 sq. yards, the same cannot be divided by metes and bounds. Accordingly, as prayed, a final decree is passed defining the share of all the parties as 1/5 th share, each. Parties will endeavour to sell the suit property within three months and in case they are unable to do so, the parties would have a right to execute the decree.

5. Suit stands decreed in above terms. G.S.SISTANI, J FEBRUARY12 2014 msr CS(OS) 804/2012 2/2

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