

\$~2

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+

CM(M) 66/2016

JOGINDER PAL

..... Petitioner

Through Mr. Siddhartha Yadav and Ms. Ishita
Yadav, Advocates

versus

SURINDER KUMAR & ORS

..... Respondents

Through Mr. Deepak Kumar, Advocate for
respondents No. 2, 4, 5 and 6

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

%

11.05.2016

Respondents have been served.

Arguments have been heard.

The impugned order dated 20.11.2015 was passed on an application filed by the plaintiff under section 151 read with section 152 of the CPC. The plaintiff had sought two prayers in that application. They have been reproduced in para 7 of the impugned order. The first prayer was that the property which is the subject matter of the partition suit was admittedly bearing No. 14/86, Subhash Nagar, New Delhi. Area of the spot was 100 sq. yards; while passing the preliminary decree dated 03.05.2013 followed by the final decree dated 27.01.2014 the Trial Court had referred to the suit property as described in red colour in the site plan (Ex. PW 1/A) Submission is that the entire suit property which had formed the subject matter of

the suit is the property bearing No. 14/86, Subhash Nagar, New Delhi and in the preliminary decree as also final decree portion it has inadvertently been mentioned as the portion encircled in red colour alone. The second correction sought for vide the afore noted application was that they should delete the words advalorem Court fee which was directed to be paid by the plaintiff.

Learned counsel for the parties are not challenging that part of the orders dated 03.05.2013 (preliminary decree) and 27.01.2014 (final decree) wherein there is a direction to pay advalorem court fee. However that part of the decree which referred to the suit property as encircled in red portion of the site plan (Ex. PW 1/A) is modified and in view of the record before this Court it is made clear that the entire suit property i.e. the property bearing No. 14/86, Subhash Nagar, New Delhi is the subject matter of the preliminary decree as also the final decree and not that which has been encircled in red colour alone.

The impugned order is modified as above.

Petition disposed of.

INDERMEET KAUR, J

MAY 11, 2016

gb