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

+ CS(OS) 56/2016 and I.A. No.1830/2016 (stay)

SHRI ASHOK KUMAR VERMA Plaintiff
Through: Mr. Rajiv Shukla, Advocate.

versus

SHRI RAJENDER KUMAR VERMA & ORS Defendants
Through

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% **08.02.2016**

1. This is a suit for partition. The suit for partition is between the siblings of late Dr. Yogesh Chander Verma. As per the plaint, there is a bland averment of late Dr. Yogesh Chander Verma being the owner and therefore his siblings becoming owners after the death of Dr. Yogesh Chander Verma.

2. In terms of Order 6 Rule 4 of Code of Civil Procedure, 1908 (CPC) it is not enough if a simplicitor averment is made of ownership of deceased late Dr. Yogesh Chander Verma as it is required to at least state at the minimum as to under which title deed and from when late Dr. Yogesh Chander Verma was the owner. It is also required to be stated that

ownership of late Dr. Yogesh Chander Verma continued till the date of his death for succession to open intestate with respect to the suit property being A-14, Meera Bagh, Paschim Vihar, New Delhi-110087.

3. On the aforesaid aspects being brought to the core, counsel for the plaintiff states that suit be allowed to be withdrawn and a fresh suit will be filed ensuring that cause of action as required in law is completely stated and as also otherwise stated in the present order.

4. The suit is allowed to be withdrawn with the aforesaid observations and liberty.

VALMIKI J. MEHTA, J

FEBRUARY 08, 2016

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