

\$~27

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(OS) 192/2016, IAs No.5051/2016 (u/O 39 R-1&2 CPC) &
5052/2016 (u/S80(3) CPC)
KULBHUSHAN GOEL Plaintiff
Through: Ms. Tara V. Ganju, Adv.
Versus
DHRUV JYOTI GOEL & OTHERS Defendants
Through: Ms. A.S. Anand, Adv. for D-1.
Mr. Bhupesh Narula, Adv.
Mr. Anchit Sharma, Ms. Satawita Ghosh
& Mr. T.S. Nanda, Adv. for D-3.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

%

20.12.2016

1. This order is in continuation of the earlier orders dated 9th December, 2016 and 16th December, 2016.
2. The counsel earlier appearing for defendants no.1&2 Mr. Bhupesh Narula is discharged from appearance.
3. Though Mr. A.S. Anand, Advocate now appearing for the defendants no.1&2 has not placed his vakalatnama on record but states that the defendant no.1 is present in Court and defendant no.2 is his mother and the defendant no.1 states that he is authorized to speak and depose on behalf of his mother as well.
4. The plaintiff on the one hand and the defendants no.1&2 on the other hand have today placed yet another proposal before this Court for division of the property by metes and bounds.
5. It is deemed appropriate to record the statements of the plaintiff and the defendant no.1.

6. The statements of the plaintiff and of the defendants no.1 for himself and on behalf of the defendant no.2 have been recorded separately. They have agreed to division / partition of property by metes and bounds in terms of their statements.
7. I have today in the Court in my hand written on the site plan Ex C-1 proved in the statement, the name of the plaintiff and the defendant no.1 in their respective portions as depicted in Ex C-1.
8. The counsel for the defendant no.3 Delhi Cantonment Board states that the lease of land underneath the property cannot be partitioned or divided.
9. This aspect has already been taken care of in para no.20 of the order dated 9th December, 2016.
10. A final decree for partition of the property ad-measuring 2805 sq. ft. on the Western side of Plot No.1/200, comprised in Survey No.49/51, Sadar Bazar, Delhi Cantt.-110010 is passed, by division / partition of the property by metes and bounds in terms of Ex C-1 and the statements recorded today of the parties and which shall form part of the decree sheet.
11. The date of 1st February, 2017 before the Joint Registrar is cancelled.
12. The parties are left to bear their own costs.

Decree sheet be prepared.

RAJIV SAHAI ENDLAW, J

DECEMBER 20, 2016

‘gsr’..