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

+ **CS(OS) 341/2016 & IA No.8145/2016 (u/O 39 R-1&2 CPC).**

MANJU GUPTA

..... Plaintiff

Through: Mr. Parvinder Chauhan with Mr.
Nitin Jain, Advs.

versus

DEVKI NANDAN GOEL & ORS

..... Defendants

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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04.08.2016

1. This order is in continuation of the earlier order dated 15th July, 2016.
2. The counsel for the plaintiff is not able to dispute that according to the plaintiff, as per the Will of the mother of the plaintiff the plaintiff is the owner of the first floor and the defendant no.1 Ms. Devki Nandan Goel is the owner of the ground floor and the defendant no.2 Ms. Nirmala Devi is the owner of the second floor of the property no.2/1, Model Town-II, Delhi for partition of which the suit has been filed. Once such is the case of the plaintiff, the question of the plaintiff suing for partition of the property does not arise inasmuch as according to the plaintiff herself under the Will different portions of the property have been bequeathed to plaintiff, defendant no.1 and defendant no.2.
3. The counsel for the plaintiff states that the terrace above the second floor and the front open space on the ground floor and the land underneath the property has not been bequeathed and thus the plaintiff as

well as all the 13 defendants would have a share therein.

4. If that be the case, the plaintiff will have to sue therefor and the same would still not entitle the plaintiff to claim partition of the entire property when the property has already been partitioned under the Will as aforesaid.

5. The suit is disposed of with liberty to the plaintiff to take appropriate remedies for the cause of action if any.

RAJIV SAHAI ENDLAW, J

AUGUST 04, 2016

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