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

**CS (OS) 2372/2013 & IA No. 19388/2013**

**PREM KAUR**

..... Plaintiff

Through: Mr. M. Tarique Siddiqui and Mr.  
Tanveer Ahmad, Advocates.

versus

**KARTAR KAUR & ORS.**

..... Defendants

Through: Mr. Surender Tyagi, Advocate for  
Defendant Nos. 5, 5A, 5B and 7.

**CORAM: JUSTICE S. MURALIDHAR**

**ORDER**

**09.08.2016**

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1. Learned counsel for the Plaintiff points out that in terms of the written statement filed by Defendants 4, 5 and 7, and the right of the other Defendants to file written statement having been closed by the order dated 15<sup>th</sup> October 2015, the suit can be decreed under Order XII Rule 6 CPC as prayed for.
2. Learned counsel appearing for Defendant Nos. 5, 5A, 5B and 7 has no objection to the above submissions of the counsel for the Plaintiff.
3. The suit property is the land beneath House No. 25, Block -E, Naraina Vihar, New Delhi-110028 admeasuring 300 sq. yds. The main prayer in the suit is for partition of the suit property in two equal halves with one half going to the Plaintiff and the other half to all the Defendants collectively.
4. In para 5 of the plaint it is stated that on 12<sup>th</sup> February 1982 itself the co-owners of the suit property reached a settlement. In para 6 of the plaint it is

stated that the Plaintiff and the Defendants are in possession of their respective half portions of the suit property, with the portion shaded in yellow in the site plan attached to the plaint being in the possession of the Plaintiff and the other half shaded in green in the site plan in the possession of the Defendants. The suit property is a built up property up to the first floor.

5. In that view of the matter, with the portions already standing clearly demarcated and already in possession of the respective parties, the suit can be straightaway decreed without the need to first pass a preliminary decree and then a final decree. The prayer for appointing a Local Commissioner to demarcate the partitioned portions in the suit property is not pressed by the Plaintiff.

6. Accordingly a decree of partition is passed declaring the Plaintiff to be the owner of one half of the suit property, i.e. House No. 25, Block -E, Naraina Vihar, New Delhi-110028 admeasuring 300 sq. yds, shown coloured in yellow in the site plan attached with the plaint and the Defendants collectively as the owners of the half portion of the said suit property shown coloured in green in the site plan enclosed with the plaint. The suit is decreed in the above terms. The site plan enclosed with the plaint will form part of the decree. Decree be drawn up in the above terms in accordance with law. The application is disposed of.

**S. MURALIDHAR, J**

**AUGUST 09, 2016/dn**