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

+ CS(OS) 87/2017 & IAs No.2417/2017 (u/O XXXIX R-1&2 CPC),
3436/2017 (for directions) & 6292/2017 (of defendant for taking on
record CC)

MEENU MALHOTRA & ANR Plaintiffs
Through: Mr. P.V. Kapur, Sr. Adv. with Ms.
Kaveri Gupta and Mr. V.K. Nagrath,
Advts.

Versus

NEELAM SAHGAL Defendant
Through: Ms. Namrata Chadha, Adv.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

29.11.2017

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1. The two plaintiffs, namely Meenu Malhotra and Seema Mehra instituted this suit against the sole defendant Neelam Sahgal, for partition of the properties detailed in Schedule-1 to the amended plaint dated 17th May, 2017, pleading (i) that the two plaintiffs and the sole defendant are the daughters of late Sh. Brij Mohan Nanda who expired on 7th December, 2016 leaving a Will dated 7th June, 2006; (ii) that the mother of the parties had pre-deceased the father Sh. Brij Mohan Nanda; (iii) that the parties had already received the properties in the estate of their father bequeathed independently to them; (iv) however the properties detailed in Schedule-1 supra of the amended plaint were bequeathed under the said Will in equal share to the two plaintiffs and the sole defendant.

2. The suit was entertained and summons thereof ordered to be issued. The defendant appeared and filed written statement. On 31st May, 2017, when the suit was listed for hearing of an application for interim relief, on the statement of the counsel for the defendant that he had no objection to a preliminary decree for partition, declaring the two plaintiffs and the sole defendant to be having 1/3rd share each in the properties detailed in Schedule-1 to the amended plaint, a preliminary decree for partition declaring the two plaintiffs and the sole defendant to be having 1/3rd share each in the properties detailed in Schedule-1 supra was passed and a Commissioner appointed to suggest the way of division of the joint properties. Vide subsequent order dated 22nd November, 2017, the order passing the preliminary decree was corrected.

3. The Commissioner so appointed has filed a report dated 1st August, 2017 and which is in the nature of a consent report.

4. Neither party has filed any objection to the report and rather the counsels state that a final decree of partition in terms of the said report be passed.

5. I have perused the report dated 1st August, 2017 of the Commissioner and find the same to be lawful.

6. Accordingly, in pursuance to the preliminary decree for partition dated 31st May, 2017, as corrected on 22nd November, 2017, a final decree for partition of the properties detailed in Schedule-1 of the amended plaint dated 17th May, 2017 is passed in terms of the report dated 1st August, 2017 of Mr. Amar Nath, Retd. District & Sessions' Judge, Commissioner and which report shall form part of the decree sheet.

7. The parties to bear their own costs.
8. The counsels state that the stamp duty payable, if any on the decree shall also be borne equally by the parties.
9. Decree sheet be drawn up.

RAJIV SAHAI ENDLAW, J.

NOVEMBER 29, 2017

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