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

+ CS(OS) 435/2016 and I.A. No.10645/2016 (under Order 39 Rules 1 & 2 CPC)

LALIT VERMA

..... Plaintiff

Through: Mr. Aseem Mehrotra, Advocate.

versus

GOPAL VERMA & OTHERS

..... Defendants

Through

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% **24.11.2017**

1. Counsel for the plaintiff states that the suit property cannot be partitioned by metes and bounds because as per the existing FAR on the plot four floors can be constructed besides a basement, and that presently only about 1200 sq feet are constructed on the ground floor. It is argued that share which a person gets on partition is the monetary value of the share and in the facts of the present case the monetary value can be given only when the suit property would be sold and net sale proceeds divided among the parties to the suit in terms of the preliminary decree passed on 23.10.2017.

2. Accordingly this suit is disposed of by directing drawing of a final decree. It may be noted that as per Section 8 of the Partition Act, 1893

an order of sale is deemed to be a decree within the meaning of Section 2 of Code of Civil Procedure, 1908 (CPC). Accordingly, the final decree is passed directing sale and final decree for partition be drawn up in accordance with law. After drawing of the final decree any of the parties can thereafter seek execution of the final decree for sale of the subject property bearing no.E-73, Mansarovar Garden, Delhi-110015.

VALMIKI J. MEHTA, J

NOVEMBER 24, 2017

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