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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**NOTICE OF MOTION NO.1211 OF 2017
IN
SUIT NO.128 OF 2017**

Deepika S Menon @ Deepika Surjit Walia And Anr. ...Plaintiffs

vs

Rekha S. Dewan @ Rekha Surjit Walia ...Defendant

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Mr. Pradeep J. Thorat, for the Plaintiffs/Applicants.

Ms. Anam Fatima, i/b. K.S. Misra, for the Defendant.

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CORAM : S.C. GUPTE, J.

DATED : JANUARY 23, 2018

P.C. :

. This is a suit for partition. The Plaintiffs, who are sisters, claim 1/3rd share each in the suit property, whereas the Defendant, who is the third sister, is said to have the balance 1/3rd share in the suit property. The Defendant admits this position. Even in her reply to the Notice of Motion the Defendant confirms that the two Plaintiffs have 1/3rd share in the suit property whilst she holds the balance 1/3rd share. The present Notice of Motion seeks a decree on admission accordingly. Learned Counsel for the Defendant does not dispute this position. Accordingly, there will be a preliminary decree on admission in terms of prayer clause (a) of the Notice of Motion. The suit shall now be referred to the Commissioner for taking accounts for division of the suit property by metes and bounds or by valuation, as the case may be. The Notice of Motion is disposed of accordingly.

(S.C. GUPTE, J.)