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

+ CS(OS) 132/2016

KIRAN MALHOTRA Plaintiff
Through: Mr. Javed Ahmad, Adv.

Versus
YASH PAL KAPOOR AND ORS Defendants
Through: Mr. Faheem Shah, Adv. for D-1.
Mr. Maninder Kaur, Adv. for D-2 to 4
Mr. Arjun Sanjay, Adv. for D-5 to 8.
Mr. N.U. Ahmed, Mr. Aditya Yadav
and Mr. Arun Yadav, Adv. for D-9.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

12.03.2018

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1. In this suit for partition of property No.C-1/8, Rana Pratap Bagh, Delhi, vide preliminary decree for partition dated 13th November, 2017 (i) plaintiff; (ii) defendant No.1; (iii) defendants No.2 to 4 collectively; (iv) defendant 5; and, (v) defendant No.9 were declared to be having 1/7th share each and the defendants No.6 to 8 collectively declared as having remaining 2/7th share in the property.
2. No appeal has been preferred against the said preliminary decree for partition.
3. A Commissioner was appointed to suggest modalities of the division of the property by metes and bounds.
4. The Commissioner has filed on "spot proceeding" report.

5. On enquiry, it is informed that the property comprises of 227 sq. yds. of land with construction of ground and first floors and one room on the second floor and is in a dilapidated condition. It is further informed that only the defendants No.1 to 4 are residing in the property.
6. It is quite obvious that the property cannot be divided by metes and bounds.
7. The counsel for the plaintiff also states so.
8. The counsel for the defendant No.1 has also not placed any proposal before this Court for division of the property by metes and bounds.
9. The counsel for the defendants No.2 to 4, the counsel for defendant No.9 and the counsel for the defendants No.5 to 8, all state that property be ordered to be sold.
10. Accordingly, a final decree for partition of property No.C-1/8, Rana Pratap Bagh, Delhi is passed, of sale of the property and of distribution of sale proceeds amongst the parties as per their shares declared in the preliminary decree for partition.
11. The parties, if so desire, shall be entitled to make inter se bids and/or to purchase the share/s of other/s in the property.
12. The parties are left to bear their own costs.

Decree sheet be drawn up.

RAJIV SAHAI ENDLAW, J.

MARCH 12, 2018

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