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

+ CS(OS) 181/2018 & IAs No.5518/2018 (u/O XXXIX R-1&2 CPC)
& 7107/2018 (u/O XXIII R-1 CPC)

SANGEETA & ANR.

..... Plaintiffs

Through: Mr. V.P. Rana and Ms. Pooja Wason,
Advts.

Versus

AJAY SEHRAWAT & ANR.

..... Defendants

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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21.05.2018

1. This order is in continuation of the earlier order dated 24th April, 2018.
2. The counsel for the plaintiffs has drawn attention to ***Ram Kishore Vs. Jai Singh*** (2012) 187 DLT 37 holding that Section 55 of the Delhi Land Reforms Act, 1954 confers the power upon a *bhumidar* to sue for partition of a 'holding' and that there is no provision, in the Act for partition of land; thus, only such lands as constitute a 'holding' are liable to be partitioned as per the Delhi Land Reforms Act and for other lands, the right to seek partition has to be before a Civil Court. It is further stated that the subject land is not agricultural and is already constructed.

3. However, as far as the other objections raised in the order dated 24th April, 2018 are concerned, the plaintiffs have neither filed any application for amendment nor an amended plaint and have only filed IA No.7107/2018 under Order XXIII Rule 1 of the Code of Civil Procedure, 1908 to exempt the plaintiff No.1 from paying appropriate court fees.
4. The counsel for the plaintiffs states that notice of IA No.7107/2018 alone be issued.
5. Without there being any properly constituted plaint and the plaintiffs having failed to file amended plaint inspite of opportunity granted on 24th April, 2018, notice of IA No.7107/2018 cannot be issued.
6. The counsel for the plaintiffs seeks adjournment to file amended plaint.
7. The plaintiffs having not availed of the opportunity, cannot now be accommodated further.
8. The plaint is rejected for the other reasons recorded in the order dated 24th April, 2018.
9. Needless to sate that the plaintiffs will have liberty to apply again but after taking care of the objections raised in the order dated 24th April, 2018 copy of which and copy of this order shall be annexed to the new proceedings, if any filed.

RAJIV SAHAI ENDLAW, J.

MAY 21, 2018

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