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

+ CS(OS) 201/2017

SH. RANBIR SINGH SUHAG & ANR Plaintiffs
Through Ms.Nurrat Hossain, Adv.

versus

SMT. SHANTI DEVI & ORS Defendants
Through Mr.Rahul Verma, Adv. for D-1 and 3.

CORAM:
HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% **06.12.2018**

1. The present suit is filed seeking a preliminary decree declaring that the parties have 1/8th share each in the property being B-353, Lok Vihar Pitampura, Delhi. A final decree of partition is also sought.
2. The case of the plaintiffs is that Late Sh.I.S.Suhag had acquired the suit property by virtue of a Conveyance Deed from Delhi Development Authority Cooperative House Building Society on 30.10.2012. On 05.06.2014, Late Sh.I.S.Suhag entered into a collaboration agreement with regard to half undivided share of the second floor without roof rights and executed a sale deed in favour of Sh.Ram Niwas Goel. Sh.I.S.Suhag died on 04.11.2015 and during the pendency of the suit, the wife of Late Sh.I.S. Suhag, Mrs.Shanti Devi also died on 26.01.2018. The children of the said deceased couple are now parties to the suit.
3. The defendants were duly served. However, only defendants No. 1

and 3 have entered appearance and filed their written statements. As per the written statements filed by defendants No. 1 and 3, they accept the pleas raised by the plaintiffs in the plaint.

4. It has been clarified that now in view of the death of defendant No. 1, the wife of Late Sh. I.S. Suhag, the parties will now have $1/7^{\text{th}}$ undivided share each in the suit property.

5. None is appearing for defendants No. 2, 4 to 6. They are proceeded ex parte.

6. Learned counsel for the parties also agree that it may not be possible to physically partition the suit property into $1/7^{\text{th}}$ share each which would fall in to the share of each party. It is accordingly prayed that a final decree of partition be passed where the suit property could be sold by the parties and the proceeds can be divided equally among the parties.

7. In view of the admissions in the written statement filed by defendants No. 1 and 3, a preliminary decree of partition is passed declaring the parties have $1/7^{\text{th}}$ share each in the suit property. A final decree of partition is also passed declaring that the suit property shall be sold and the proceeds will be divided among the parties in the ratio of their share i.e. $1/7^{\text{th}}$ share each.

8. The suit stands disposed.

9. Pending applications, if any, also stand disposed of.

JAYANT NATH, J

DECEMBER 06, 2018

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