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

+ **CS(OS) 143/2019 , O.A. 14/2020**

ROHIT JAIN

..... Plaintiff

Through: Mr. Davinder N Grover, Mr. Harsh
Gupta, Ms. Pragati Keshri, Advocates

versus

VIKAS JAIN

..... Defendant

Through: Ms. Jyoti Dwiwedi and Mr. Ankit
Dwiwedi, Advocates

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

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01.04.2024

CC 37/2019(under Order VII Rule 6 CPC)

1. Learned counsel appearing on behalf of the Defendant submits that there is “no objection” if the Suit property is partitioned equally amongst the plaintiff and the defendant.

2. The Defendant who is present in person also submits that this counter claim vide which he had claimed absolute ownership in the Suit property, be permitted to be withdrawn in view of the preliminary decree in the main Suit.

CS(OS) 143/2019

3. Suit for Partition, Permanent Injunction has been filed on behalf of the plaintiff in respect of the Suit property bearing No. 91, Veer Nagar Jain Colony, GT Karnal Road, Delhi-7.

4. According to the plaintiff, he and the Defendant are the registered owners as per the Conveyance Deed dated 04.06.1999 executed in their



favour by the DDA in 1999.

5. The suit property is built on a plot of 300.80 sq. yards and consists of 3 floors on which the plaintiff and the defendant are residing with their families.

6. It is submitted that the property may be partitioned equally between the plaintiff and the defendant and a preliminary decree be passed accordingly.

7. The plaintiff through VC and the defendant appearing in person agree that they are the joint owners of the Suit property by virtue of the Conveyance Deed executed in their joint name by the DDA.

8. Considering that the property is jointly owned by the plaintiff and the defendant, it is hereby held that both are entitled to 50 percent share in the Suit property. The preliminary decree is passed accordingly.

9. Final Decree:

The parties submit that the Defendant is willing to sell his 50 percent share in the Suit property to the plaintiff on payment of the market value.

10. It is further submitted that the Final Decree may be passed with the aforesaid terms.

11. Submissions heard.

12. It is directed that before the sale is made in the open market, the parties shall have an option of purchasing the share of the other party on mutually agreed sale consideration amount. In case, there is such offer by either of the parties within 4 months for the purchase of the share of the other party, then the property be sold in the market or through auction and the sale proceeds be shared equally in 50% ratio amongst the parties.

13. It is hereby directed that the property be sold and the sale proceeds be



divided *inter se* the parties in the ratio of 50 percent each.

14. Final Decree is passed accordingly.

15. Decree sheet be drawn accordingly.

NEENA BANSAL KRISHNA, J

APRIL 1, 2024/PT