



\$~20

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(OS) 471/2021, I.A. 12862/2021, I.A. 12864/2021, I.A. 18447/2023
I.A. 18820/2023, I.A. 19322/2023 & I.A. 7032/2024

MS NEERJA RANEE PAHWAPlaintiff

Through: Mr. Sameer Dewan, Adv.

versus

SHRI MOHAN CHOPRADefendant

Through: Ms. Ayushi Srivastava, Adv.

CORAM:
HON'BLE MR. JUSTICE VIKAS MAHAJAN

% **ORDER**
26.11.2024

1. The preliminary decree of partition was passed by this Court *vide* judgment dated 24.07.2024 with regard to the suit property bearing no. C-3/13 SDA Safdarjung Development Area, New Delhi whereby the share of the plaintiff, as well as, defendant was declared to the extent of 50% each.
2. The learned counsels appearing on behalf of the parties are *ad idem* that the suit property consists of only one floor at the ground level and the same is not amenable to partition by metes and bounds.
3. Since, the property is not amenable to partition by metes and bounds, therefore, the only option left is to sell the property.
4. In the above circumstances, it is hereby directed that the suit property be sold by auction and the sale proceeds be distributed amongst the parties as per their respective shares already determined in the preliminary decree dated



24.07.2024.

5. It is clarified that before holding Court auction, the parties are at liberty to buy out the share of other party. Further, the parties are also at liberty to sell the property jointly by virtue of a private sale.

6. If there is no consensus arrived at between the parties within a period of five months, the suit property will be sold through auction and the proceeds will be divided amongst the parties. The final decree of partition is passed in the above terms.

7. The decree sheet be drawn accordingly.

VIKAS MAHAJAN, J

NOVEMBER 26, 2024
N.S. ASWAL