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

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*Date of decision: 09.08.2024*

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**RFA(OS) 28/2024 & CM APPL. 34775/2024**

SUCHITRA RAY &amp; ANR.

.....Appellants

Through: Mr Karan Luthra with Mr Naman  
Gowda, Advocates along with  
appellants in person.

versus

SUMITRA SARKAR &amp; ORS.

.....Respondents

Through: Mr Abhijeet Sinha, Advocate for the  
respondent no.1.

**CORAM:****HON'BLE MR JUSTICE RAJIV SHAKDHER****HON'BLE MR JUSTICE AMIT BANSAL****[Physical Hearing/Hybrid Hearing (as per request)]****RAJIV SHAKDHER, J.: (ORAL)**

1. This appeal is directed against the judgment and decree dated 03.04.2024, passed by the learned Single Judge.
2. The learned counsel for the appellants says that the partition suit concerns six (06) siblings.
  - 2.1 We are also informed that the concerned superstructure has four (04) floors, which include the ground floor.
3. According to the counsel for the appellants, the learned Single Judge did not carry out an exercise, in the first instance, to ascertain whether the



superstructure could be divided by meets and bounds, which, according to the counsel for the appellants, is an error, that requires correction.

4. On being queried, the learned counsel for the appellants accepted that no specific site plan in consonance with the extant legal regime was filed by the appellants to demonstrate the feasibility of dividing the superstructure by meets and bounds.

5. Given this position, the learned counsel for the appellants says that the appellants will move an application for review, which would factor in what is noted hereinabove.

6. The appeal is, accordingly, dismissed as withdrawn, with liberty to file a review petition.

7. Needless to add, the learned Single Judge will decide the review petition after hearing both parties and bearing in mind the legal regime and the bye-laws framed in that behalf.

8. The pending application shall also stand closed.

**RAJIV SHAKDHER, J**

**AMIT BANSAL, J**

**AUGUST 9, 2024/tr**