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

+ **CS(OS) 450/2019& I.A. 12117/2019**

ANSH CHOUDHARY & ORS.Plaintiffs

Through: Ms.Smita Maan, Mr.Vishal
Maan and Mr.Kartik Dabas,
Advs.

versus

HARKISHAN & ANR.Defendants

Through: None.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

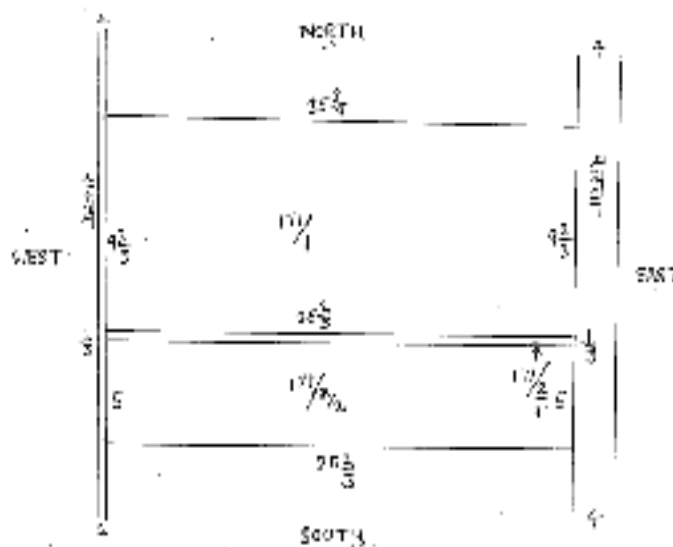
% **16.08.2024**

1. This is a suit filed by the plaintiffs seeking partition of the property, being residential plot in the extended Lal Dora Abadi compromising in Khasra No.171/1 (1-17), 171/2 (1-100), total admeasuring 2 bigha 17 biswas, situated in the Revenue Estate of Village Bamnoli (hereinafter referred to as the 'Suit Land').
2. This Court by its Judgment and Decree dated 23.04.2024, passed a Preliminary Decree declaring the plaintiff no.1 to have 1/3rd share, while the plaintiff nos.2 and 3, and the defendant nos.1 and 2, as having 1/6th each share in the suit land. A preliminary decree was accordingly passed.
3. This Court, by its Order dated 22.05.2024, thereafter appointed a Local Commissioner to *inter alia* ascertain the mode of partition of the suit land by metes and bounds.
4. The learned Local Commissioner has filed Report dated 13.08.2024.



5. The learned Local Commissioner inspected the suit land and, thereafter, also referred to copies of the Khatauni, Field Book, and Aks Shajra, certified copies whereof were produced by the plaintiff no.3.

6. The learned Local Commissioner also records in the report that the plaintiffs are already occupying Khasra No.171/1, which admeasures 1 bigha and 17 biswas, and would require an additional area admeasuring 1 biswas in order to have 2/3rd share in the suit land. The learned Local Commissioner suggests that this can be obtained from the adjacent portion of Khasra No.171/2. The learned Local Commissioner has suggested taking out the portion marked as 171/2/1 from Khasra No.171/2 and allot it to the share of the plaintiffs, while the remaining portion of Khasra No.171/2, marked as 171/2/2 in the proposed map annexed as Annexure-6 to the report, to be allotted to the share of the defendants. For the ease of reference, the map is reproduced hereinbelow:





7. The learned counsel for the plaintiffs submits that she has no objection to the proposal of the learned Local Commissioner.

8. The right of the defendants to file written statement was closed *vide* Order dated 20.09.2022. Even thereafter, none has been appearing for the defendants. Even the preliminary decree was passed in their absence. There is no representation on behalf of the defendants even today.

9. There are no objections filed to the report filed by the learned Local Commissioner.

10. Having perused the report, I find that the same gives a fair mode of distribution/partition of the suit land between the plaintiffs and the defendants.

11. Accordingly, a final decree is hereby passed, dividing the suit land in accordance with the map which has been reproduced hereinabove. The plaintiffs shall be entitled to land in Khasra No.171/1 (1-17) along with land marked as 171/2/1, total admeasuring 1 bigha 18 biswas, situated in the Revenue Estate of Village Bamnoli. The defendant nos. 1 and 2 shall be entitled to land in Khasra No. 171/2, marked as 171/2/2 in the map reproduced herein-above, situated in the Revenue Estate of Village Bamnoli.

12. Let a Decree Sheet be drawn up accordingly.

13. There shall be no orders as to costs.

NAVIN CHAWLA, J

AUGUST 16, 2024/ns/DG

Click here to check corrigendum, if any