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

+ **RFA 482/2024**

SUSHEELA DEVI @ SHEELA DEVISMT & ORS.Appellants

Through: Mr. Ashok Popli and Mr. Mahtab Singh, Advocates.

versus

SMT ASHA & ANR.

.....Respondents

Through: Mr. Parveen Kumar, Advocate for R-1 and 2 with R-1 and 2 in person.

CORAM:

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

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05.08.2024

CM APPL. 44367/2024 [*Exemption from filing certified copies, true typed copies of dim annexures*]

1. Allowed, subject to the Appellants filing certified, true typed copies of the dim annexures within a period of four weeks.
2. The Application stands disposed of.

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3. The grievance of the Appellants is limited.
 - 3.1 Learned Counsel for the Appellants submits that although the Impugned Judgment dated 17.05.2024 passed by the Rohini Courts in CS DJ 58333/16 [hereinafter referred to as "Impugned Judgement"] has found the Appellants to be entitled to 1/5th share to the suit property bearing House No.1, Panaudyam, Narela, Delhi, the judgment has been passed without taking into account a revised site plan filed by the Appellants/Plaintiff.



4. Learned Counsel for the Appellants submit that they had filed an Application under Order VI Rule 17 Code of Civil Procedure, 1908 to take on record an amended site plan. However, the Impugned Judgment was passed without taking into consideration this Application.
5. Learned Counsel for the Respondent appearing on advance service submits that the suit was instituted in the year 2011 and that he has no objection to the said Application being adjudicated by the learned Trial Court.
6. With the consent of parties, the Appeal is taken up for hearing and disposal today. Since the grievance of the Appellants is limited to the extent that the amended site plan be examined, the Appeal is disposed of, granting the liberty to the Appellant to take appropriate steps before the learned Trial Court, for the same in accordance with law.
7. It is made clear that this Court has not expressed any opinion on the merits of the case. All rights and contentions of the parties are left open in this regard.
8. Parties will act based on the digitally signed copy of the order.

TARA VITASTA GANJU, J

AUGUST 5, 2024/pa

Click here to check corrigendum, if any