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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CM(M) 3669/2024, CM APPL. 61920/2024, CM APPL. 61921/2024,
CM APPL. 61922/2024
PEEYUSH JAIN AND ANR

.....Petitioner
Through: Mr. Sanjeev Soni, Mr. Mandeep
Singh and Mr. Rishabh Soni,
Advocates.
Petitioner No.2 in person.

versus

GHASI RAM JAIN (SINCE DECEASED) THROUGH HIS LRS
AND ORS

.....Respondents
Through: Appearance not given.

CORAM:
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER
25.10.2024

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1. A Civil Misc. Main Petition under Article 227 of the Constitution of India read with Section 151 CPC has been filed to challenge the impugned Award dated 30.01.2024 whereby the learned ADJ has consolidated the Civil Suit No.CSADJ516857/2016 filed by the plaintiff/respondent No.1 for seeking partition of five properties in the year 2001. The suit was amended from time to time and eventually one Counter-Claim bearing No.516881/2016 was filed by respondent No.4 in respect of all the five property. However, the petitioner who are defendant No.4 and 5 in the main suit, also filed a second Counter-Claim bearing No.CS DJ 516826/2016 in respect of one property bearing Khasra No.60/21/2 Palam Village, Delhi



measuring approx.2500 sq.yds.

2. It is submitted that this property also finds mention in the main suit and the first Counter-Claim. It is further submitted that in this second Counter-Claim filed on behalf of the petitioner, a preliminary Decree has already been made on 24.07.2019 in respect of this Palam village property. Therefore, there is nothing further which remains to be done in this particular Counter-Claim, but to pass a final decree. The clubbing of this second Counter-Claim with other main and first Counter-Claim would lead to unnecessary delay, which is not warranted in the present circumstances.

3. On a specific query, it has been conceded that this Property also finds part of the main Suit and the first Counter-Claim. The learned counsel seeks liberty to move an appropriate Application for deletion of this property from main Suit/first Counter-Claim in respect of this Palam village property. In case the property of Palam village gets deleted from the Suit and the first Counter-Claim, then the petitioner may thereafter, seek passing of the final Decree in their second Counter-Claim since nothing further is required to be done in respect of this property.

4. With these observations, the petition is hereby disposed of. In case the Application for de-consolidation and for deletion of one property is filed, the Trial Court may consider the same in accordance with law.

NEENA BANSAL KRISHNA, J

OCTOBER 25, 2024/va