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

+ **CS(OS) 947/2024 & I.A. 46580/2024 I.A. 46581/2024**

REEMA MEHTA

.....Plaintiff

Through: Mr. Sanjay Dewan, Sr. Adv. with Mr.
Anish Dewan, Ms. Garima Verma,
Mr. Aayush Dawar and Ms. Kashish
Jain, Advs.

versus

SANDEEP UPPAL

.....Defendant

Through: Mr. Rishi Manchanda, Adv. along
with Mr. Arun Kumar, Mr. Siddharth
Mullick and Mr. Lakhan Gupta,
Advs. along with defendant in person

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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05.12.2024

CS(OS) 947/2024

1. The present suit has been filed seeking partition of estate of late Smt. Veena Uppal.
2. The plaintiff in this suit seeks partition of three (3) immovable properties (i) Third floor in property bearing No. F-296, New Rajinder Nagar, New Delhi-110060, measuring 125 sq. yds [‘New Rajinder Nagar Flat’]; (ii) Shop bearing No. R-546, New Rajinder Nagar, New Delhi-110060 [‘New Rajinder Nagar Shop’]; and (iii) Flat No. 703, Block L, 7th Floor, Rail High Risers, Sector 10, Sonapat, Haryana.
3. In the plaint itself, the plaintiff has disclosed that the Flat at Sonapat has been sold even prior to the filing of the plaint.
4. Mr. Rishi Manchanda, Advocate appears on behalf of defendant on advance service. Defendant is also present in person.
5. He states that the plaintiff has suppressed from this Court that the



New Rajinder Nagar Shop was transferred by late Smt. Veena Uppal in favour of the defendant vide registered gift deed dated 24.07.2020 and therefore, the said shop did not form part of the immovable estate of the deceased.

6. He states that similarly late Smt. Veena Uppal has transferred her undivided 50% share in New Rajinder Nagar Flat in favour of defendant vide registered gift deed dated 11.04.2023. He states that it is a matter of record that the remaining undivided 50% share in flat at New Rajinder Nagar already stands in the name of the defendant. He states thus this Flat did not form part of the immovable estate of the deceased.

7. He states that the plaintiff has also not disclosed the material fact of the execution of the registered relinquishment deed dated 19.11.2015, whereby the plaintiff had relinquished her share in the flat at New Rajinder Nagar Flat, which had devolved upon her from late Sh. Narinder Pal Uppal.

8. He states that in view of registered documents dated 24.07.2020 and 11.04.2023 the present suit seeking partition of the immovable properties is without any cause of action as neither of the properties formed part of the estate of late Smt. Veena Uppal on her demise.

9. He states for the residual estate of late Smt. Veena Uppal defendant relies upon a registered Will dated 08.02.2024, wherein, the entire movable and immovable estate of late Smt. Veena Uppal has devolved upon the defendant.

10. He states that the sale of the Flat at Sonapat is already admitted in the plaint.

11. In this plaint, the plaintiff has referred to a registered Will dated 09.06.2022, executed by late Smt. Veena Uppal in her favour. However, in



the plaint itself, the plaintiff had abandoned her claim on the basis of the Will and prayed for partition on the basis of intestate succession.

12. After some arguments and upon taking instructions from the plaintiff, learned counsel for the plaintiff states that in view of the registered gift deed dated 24.07.2020, registered gift deed dated 11.04.2023, registered relinquishment deed dated 19.11.2015, and the registered Will dated 08.02.2024 [hereinafter referred to as 'registered documents'] shown by the defendant, the plaintiff seeks to unconditionally withdraw the present suit without reserving any liberty.

13. This Court has perused the registered documents shown by the defendant and is satisfied that in view of these documents; the plaintiff has no cause of action to maintain this suit. Moreover, the plaintiff does not dispute the valid execution of the registered documents by deceased.

14. Accordingly, as per the prayer of the plaintiff present suit is dismissed along with pending applications and no liberty is reserved to the plaintiff.

15. Moreover, in view of the registered documents relied on by the defendant, the suit is even otherwise without any cause of action.

16. The defendant is directed to ensure that the copy of the registered documents handed over in the Court today are placed on record.

MANMEET PRITAM SINGH ARORA, J

DECEMBER 5, 2024/hp/MG

Click here to check corrigendum, if any