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

+ **CS(OS) 178/2018, I.A. 5417/2018**

SHRI SURENDER KUMAR BHUTANI

..... Plaintiff

Through: Mr. Rahul Sharma, Advocate.

versus

SH. SUDHENDU RANJAN BHUTANI

..... Defendant

Through: Mr. Peeyush Kalra, Mr. Rohan J. Kapoor, Mr. Yashwant S. Baghel and Mr. Rishabh Thakur, Advocates.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

25.01.2024

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1. A suit for Declaration, Partition and Permanent Injunction has been filed, wherein it is submitted that the plaintiff and defendants are joint owners of the property bearing No.96, Sainik Vihar, Pitampura, New Delhi. The property had been purchased in the year 1987 jointly and was constructed by both the parties and they shifted to the suit property in the year 1989. The Conveyance Deed was executed on 15.02.2002 by the erstwhile owner Captain Rajeev Verma s/o Brig. Amrit Lal Verma in favour of the plaintiff and the defendant. The parties are the joint owners and also in joint possession of the suit property. It is submitted that both the parties are entitled to 50% share in the suit property. Hence, a prayer is made that a Preliminary and Final Decree of Partition be made in the aforesaid terms in respect of the suit property.



2. The defendant in his Written Statement has also admitted that he and the plaintiff are the joint owners and both are entitled to half share in the suit property.
3. In view of the admissions of the parties and there being no disputed facts, it is hereby held that plaintiff and defendant are entitle to 50% share in the suit property bearing No. 96, Sainik Vihar, Pitampura, New Delhi. A Preliminary Decree is accordingly passed.
4. Both the Counsel submits that there the property cannot be divided by metes and bounds and is necessarily required to be sold though each party may be given an option of buying the share of the other party before it is sold in the market.
5. In view of the submissions made it is held that the property be sold and the sale proceeds be distributed in accordance with their respective shares with a rider that either party shall have the first option of purchasing the share of the other party. Final Decree of accordingly drawn.
6. The suit along with pending application is accordingly disposed of.

NEENA BANSAL KRISHNA, J

JANUARY 25, 2024/va