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

+ **CS(OS) 147/2017 & I.A. 3951/2017**

MRS. MONIKA KHATRI

..... Plaintiff

Through: Mr. Tanmay Vats, Mr. Mayank Vats
& Ms. Pranati Vats, Advocates with
plaintiff in person.

versus

SH. GANPAT SINGH @ BHOOP SINGH AND OTHERS

..... Defendants

Through: Mr. Samrat Nigam & Ms. Arpita
Rawat, Advocates for D-2.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

23.04.2024

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1. Learned counsels for the parties submit that the Preliminary Decree was passed *vide* Order dated 04.07.2018 giving 1/4th equal share to the plaintiff, who is the sister of defendant Nos. 2 and 3, against the defendant No. 1, who is the father of the plaintiff and the defendant No. 2, son of defendant No. 1.

2. It is further submitted that the father i.e., the defendant No. 1 has died on 08.11.2022 and his sons and daughters are already a party to the Suit and the wife, Smt. Chander Kala, of defendant No. 1/Shri Ganpat Singh @ Bhoop Singh has now been impleaded as defendant No. 1 (i). The Amended Memo of Parties is already on record.

3. In view of the subsequent event of demise of defendant No. 1/Shri Ganpat Singh @ Bhoop Singh and his wife/Smt. Chander Kala, who has



been impleaded as an additional legal heir, the Preliminary Decree dated 04.07.2018 is hereby modified to the extent that 1/4th share of the defendant No. 1/Shri Ganpat Singh @ Bhoop Singh is now distributed amongst the following persons and their respective shares shall be as under:

S. No.	Name of person	Share
1.	Smt. Chander Kala, wife of defendant No. 1/Shri Ganpat Singh @ Bhoop Singh	1/16th
2.	Ms. Meenu Dala (defendant No. 3), daughter of defendant No. 1/Shri Ganpat Singh @ Bhoop Singh	5/16th
3.	Ms. Monika Khatri (plaintiff), daughter of defendant No. 1/Shri Ganpat Singh @ Bhoop Singh	5/16th
4.	Mr. Sunil Kumar (defendant No. 2), son of defendant No. 1/Shri Ganpat Singh @ Bhoop Singh	5/16th

4. **Accordingly, the Preliminary Decree dated 04.07.2018 stands modified to the abovementioned extent.**

5. The Report dated 11.09.2018 of the Local Commissioner is on record, wherein it is mentioned that the suit properties are not amenable to partition by metes and bounds.

6. In view of the submissions made, the Suit Properties, namely, House No. 127, Village Mangol Pur Kalan, Delhi-110085 (measuring 90 sq. yds. and double storied residential house) and Property bearing New Khasra No. 70/1/2 (Old Khasra No. 1562), Village Mangol Pur Kalan, Delhi-110085 are



hereby directed to be sold and the sale proceeds be distributed to the parties in proportion to their respective share.

7. Further, till the aforesaid suit properties are sold, the rent being fetched from the Suit Property bearing New Khasra No. 70/1/2 (Old Khasra No. 1562), Village Mangol Pur Kalan, Delhi-110085 shall continue to be shared equally amongst the plaintiff and the defendants in the ratio as already defined above.

8. Accordingly, the final Decree is hereby passed in the above terms.

9. The Decree Sheet be drawn accordingly.

NEENA BANSAL KRISHNA, J

APRIL 23, 2024

S.Sharma