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

+ **CS(OS) 352/2022, I.A. 17889/2022 & I.A. 9754/2023**

SANTOSH RANI (THROUGH GPA HOLDER)

RAJEEV SETHI

.....Plaintiff

Through: Mr. Jaspreet Singh Rai and Mr.
Piyush Ranjan, Advocates.

versus

CHAND BIBI AGGARWAL DHARMARTH TRUSTDefendant

Through: Mr. Attin Shankar Rastogi, Mr. Adil
Vasudeva and Ms. Kanishka,
Advocates for D-2

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

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10.10.2025

1. This order may be read in continuation with the order passed by this Court on 17th September, 2025, which is reproduced below:-

“1. A preliminary decree of partition was passed in the suit on 19th September, 2024, declaring the share of each of the plaintiff, the defendants no.2 and 3 as 1/3rd. The relevant paragraphs of the said order are set out below:-

“12. In view of the said documents and admissions of the parties as regards their 1/3rd share each, a preliminary decree is hereby passed declaring that plaintiff is entitled to undivided 1/3rd share, defendant no. 2 is entitled to undivided 1/3rd share and legal heirs of defendant no. 3 [i.e., defendant nos.3(a) to 3(d)] together are entitled to undivided 1/3rd share in the suit property.

13. The Registry is directed to draw up a preliminary decree in terms thereof.”



2. *Local Commissioner was appointed by the Court towards a private sale or in the alternative public auction of the suit property in the order passed on 28th July, 2025. It was recorded that as per the report of the Court Auctioneer no bids have been received for the sale of the suit property.*
3. *In view of the above, submission of the counsel for the plaintiff, and defendant no.2 was recorded that the suit property may be divided as per the report of the Local Commissioner in the ratio of 1/3rd share of the suit property in favour of the plaintiff, defendant no.2 and the legal heirs of defendant no.3.*
4. *Further noting that none has been appearing on behalf of the legal heirs of the defendant no.3, they were proceeded against ex parte.*
5. *A proposal for the distribution of the suit property between the plaintiff, defendant no.2 and the legal heirs of defendant no.3 has been handed over to counsel for the defendant no.2, in Court today. Let the aforesaid proposal be filed in Court.*
6. *Counsel for the defendant no.2 seeks time to take instructions.*
7. *List on 10th October, 2025, at 4:00 PM.”*

2. In terms of the aforesaid order, it is sated that a consensus has been arrived at between the plaintiff and the defendant no.2 with regard to the division of the suit property, *bearing no. 230-231, Ghee Mandi, Paharganj, New Delhi-110055.*
3. A site plan indicating the mode of partition of the suit property between the plaintiff, defendant no.2 and defendant no.3 has been handed over in Court.
- 3.1 The said site plan is duly signed by the plaintiff and defendant no.2 and the same is taken on record.
4. The plaintiff and defendant no.2 are present in Court and affirm the



mode of partition as per the aforesaid site plan. The defendant no.3 has already been proceeded against *ex parte*.

5. In view of the above, a final decree of partition of the suit property by metes and bounds is passed in terms of the aforesaid site plan.

6. The order passed today, along with the site plan, shall form part of the final decree.

7. Let the decree sheet be drawn up.

8. Mr. Jaspreet Singh Rai, counsel appearing on behalf of the plaintiff, on instructions submits that outstanding fees of the Local Commissioner appointed by the Court, amounting to Rs. 18,630/-, shall be paid by the plaintiff within two (2) weeks from today, subject to the right of the plaintiff to recover the same from defendants no.2 and 3 as per orders passed in the suit.

8.1. The aforesaid statement is taken on record. The plaintiff shall be bound by the same.

AMIT BANSAL, J

OCTOBER 10, 2025

Vivek/-