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

+ **CS(OS) 568/2023 & I.A. 17925/2023**

SMT KAMAKSHI SACHDEV

.....Plaintiff

Through: **Mr. Pankaj Thareja, Advocate**

versus

SMT KRISHNA MALHOTRA AND ORS

.....Defendants

Through: **Mr. Sahil Nindawat, Mr. Adarsh
Pandey and Mr. Gautam, Advocates**

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **27.05.2025**

CS(OS) 568/2023

1. The present suit has been filed seeking partition of the property bearing no. 3/24, Roop Nagar, Delhi-110007, measuring area 233.75 square yards ['suit property'].
2. It is stated that late Smt. Satyawati was the recorded owner of the suit property.
3. The plaint at paragraphs 3, 4 and 5 records the manner in which the property after the death of Smt. Satyawati devolved only upon her two sons i.e., Sh. Surinder Kumar Malhotra and Sh. Jagdish Kumar Malhotra.
4. Plaintiff herein is the sole Class-I legal heir of Sh. Surinder Kumar Malhotra and defendant nos. 1, 2 and 3 are the only Class-I legal heirs of Sh. Jagdish Kumar Malhotra.
5. Plaintiff and defendant no. 3 are present in Court and are identified by their respective counsels.



6. Learned counsel for the plaintiff and the defendants state that parties have arrived at a mutual settlement for partition.

7. Learned counsel for the defendants state that defendants do not dispute the rights of the plaintiff and admit that she has an undivided 50% share in the suit property.

7.1. He states that even in the written statement, defendant nos. 1 to 3 have not disputed the plaintiff's 50% share in the suit property.

7.2. He states that however, the plaintiff and defendant nos. 1 to 3 have decided that the suit property will be disposed of expeditiously [not later than 12 months from today] and the sale proceeds will be divided equally with plaintiff receiving 50% share and defendant nos. 1, 2 and 3 jointly receiving 50% share.

7.3. He states that an affidavit to this effect of defendant nos. 1, 2 and 3 will also be filed within two (2) weeks.

8. Plaintiff and defendant no. 3 are personally present in Court.

9. This Court has interacted with the plaintiff and defendant no. 3. Both, the plaintiff as well as defendant no. 3 confirms the aforesaid submissions on behalf of their counsels.

10. The suit has been filed by the plaintiff claiming 50% share in the suit property. In the written statement, defendant nos. 1 to 3 have admitted the plaintiff's 50% share in the suit property and not disputed her right to seek partition.

11. In view of the aforesaid submissions of the parties and the admissions made in the pleadings, a final decree declaring the shares of the parties in the suit property is passed herein. It is declared that the Plaintiff is entitled to 50% undivided share and defendant nos. 1, 2 and 3 together are entitled to



50% undivided share, in the suit property.

12. Since the parties have also agreed that for partition, the suit property shall be disposed of and sale proceeds will be divided among the parties herein as per their respective shares, this Court deems it fit to pass a final decree in terms of the said agreement of sale.

13. Accordingly, it is further directed that the suit property will be sold by the parties with mutual consent within 12 months from today; and the sale proceeds received from the sale of the suit property will be divided between the parties as per their respective shares as declared hereinabove, in paragraph 10. In case, the property is not sold within 12 months with mutual consent, either parties will be entitled to seek sale of the suit property through public auction, by filing enforcement proceedings.

14. The suit stands decreed in the aforesaid terms. The Registry is directed to draw up a decree in terms thereof.

15. Pending applications are disposed of.

16. Interim orders will stand merged in the final decree.

17. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of order shall be insisted by any authority/entity or litigant.

MANMEET PRITAM SINGH ARORA, J

MAY 27, 2025/rhc/MG

[Click here to check corrigendum, if any](#)