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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ RFA(OS) 52/2025, CM APPL. 54885/2025, CM APPL.
54886/2025, CM APPL. 54887/2025 & CM APPL. 54969/2025
VIKAS VAIDAppellant

Through: Mr. Karanveer Singh and Mr.
Vinod Chauhan, Advs.

versus

RAJNI MEHTA & ANR.Respondents

Through: Mr. Yash Kadyan and Mr. Yash
Luthra, Advs.

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

HON'BLE MR. JUSTICE HARISH VAIDYANATHAN
SHANKAR

ORDER

% **01.09.2025**

1. Through this Appeal, filed under Section 96 of the Code of Civil Procedure, 1908 read with Section 10 of the Delhi High Court Act, 1966, the Defendant (Appellant before this Court) assails the correctness of a preliminary decree of partition passed by the learned Single Judge. The decree is passed with respect to two immovable properties, bearing no. C-3/36, Ashok Vihar, New Delhi-110052 and Plot No. 180, Sector 40, Mohyal Colony, Jharsa, Gurugram, Haryana-122001 [hereinafter referred to as the 'suit properties'], while declaring that the each of the three siblings is entitled to a 1/3rd share each in the suit properties.

2. For the sake of convenience, the parties before this Court shall be referred in accordance with their status before the learned Single Judge.

3. The suit properties were originally purchased by Late Sh. Shadi Lal Vaid, who died intestate on 24.11.1990, while leaving behind his widow, Smt. Joginder Vaid and three children, namely, Sh. Vikas



Vaid, son, and two daughters, Smt. Rajni Mehta and Smt. Renu Mehta. Smt. Joginder Vaid also died intestate on 06.11.2014. Subsequently, the two daughters filed a suit for partition of the suit properties, wherein the Defendant failed to file his written statement; consequently, his right to file the written statement was closed on 08.11.2023. Additionally, the evidence of the Plaintiffs was closed on 06.02.2025. Ultimately, in view of the aforesaid, the learned Single Judge passed a preliminary decree.

4. Heard learned counsel representing the parties at length and with their able assistance, perused the paper book.

5. Learned counsel representing the Defendant submits that since the Defendant had already spent monies on the marriages of the two sisters, the Plaintiffs are not entitled to seek partition.

6. This Court has considered the submissions.

7. On the death of Sh. Shadi Lal Vaid, the property was inherited by as many as four Class-I heirs, including the widow and three children. Subsequently, on 06.11.2014 the widow also died; hence, the shares of the three children increased to $\frac{1}{3}^{\text{rd}}$ each. Although the Defendant has not led any evidence to prove that he spent monies on the marriage of his sisters, even if this argument is accepted, it would not amount to relinquishment of rights by the sisters.

8. Hence, this Court finds no reason to interfere with the impugned judgment.

9. The present Appeal, along with pending applications, is dismissed.

ANIL KSHETARPAL, J.

HARISH VAIDYANATHAN SHANKAR, J.
SEPTEMBER 01, 2025/sp/hr