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

+ **FAO(OS) 110/2025, CM APPL. 61783/2025 (Stay) & CM APPL. 61784/2025 (Ex. from filing certified and typed copies of the annexures)**

GAJINDER SINGH DANG (DECEASED) THR LRS

.....Appellant

Through: **Mr. S. S. Ahluwalia and Ms. Rimpay Rohilla, Advocates.**

versus

MONIKA MANCHANDA

.....Respondent

Through: **Mr. Kunal Kalra, Advocate.**

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

**HON'BLE MR. JUSTICE HARISH VAIDYANATHAN
SHANKAR**

ORDER

26.09.2025

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1. The present Appeal, under Section 10(1) of the Delhi High Court Act, 1966, challenges the Order dated 26.08.2025 passed by the learned Single Judge in I.A. No. 7800/2023 in CS (OS) No. 90/2023.
2. By way of the Order Impugned, the learned Single Judge has allowed the application preferred by the Respondent/Plaintiff seeking a direction to the Appellant/Defendant No.1 to release Rs. 5,16,352/-, which is stated to be 50% of the amount withdrawn by the Appellant/Defendant No. 1 after the death of his father, late Shri Sant Singh, who expired on 9th November, 2022.
3. Issue Notice.
4. Mr. Kunal Kalra, learned counsel appearing for the Respondent, accepts notice.
5. With the consent of learned counsel appearing for the parties,



the Appeal has been taken up for final disposal.

6. It is evident that the Plaintiff/Respondent herein never filed any suit for recovery of the amount; rather, she only prayed for rendition of accounts. Even in the amended plaint, there is no prayer for recovery of the amount. For the sake of clarity, the prayers as sought for in the amended plaint are reproduced herein below:

“i. pass a Preliminary decree of Partition on the basis of the Registered Will dated 16.03.2022 registered 19.03.2022 in favour of the Plaintiff and against the Defendant no 1 and 2 by virtue of which the Plaintiff has become the owner of Basement, Silt Parking, Ground Floor and First floor of the suit property.

i(a). Pass a decree of declaration in favour of the Plaintiff and against the defendants thereby declaring the WILL dated 13.10.2022 as null and void and non-est.

ii. Pass a decree of Partition with respect to the Second floor of the property bearing no F-91, Lajpat Nagar-II, New Delhi by mete and bounds dividing the Second Floor of the Suit Property equally between the Plaintiff and the Defendant and;

iii. Pass a decree of permanent injunction in favour of the Plaintiff and against the Defendant No.1, restraining the Defendant No.1, his successors, representatives, assigns etc. from transferring, alienating, parting with the possession or creating third-party interest in respect of the suit property, and/or;

*iv. Pass a decree of rendition of Accounts of various bank accounts, post office saving with respect to the money already withdrawn by Defendant No.1 as mentioned in **Schedule A**.*

*v. Pass a decree of Partition with respect to the movable assets as mentioned in **Schedule B**.*

vi. Appoint a Local Commissioner to suggest the mode of partition and after receiving the report, a final decree for partition may be passed.

vii. Award the entire cost of the suit in favour of the Plaintiff and against the Defendants;”

7. Despite repeated requests, the learned counsel for the Respondent has failed to draw the attention of the Court to any provision in the Civil Procedure Code, 1908 [“CPC”], that enables the Court to pass directions without passing a decree under Order XII Rule 6 of the CPC.



8. The Court is competent to pass a decree under Order XII Rule 6 of the CPC, if, from the facts and pleadings on record, the Court comes to the conclusion that no further adjudication on a part of the relief is required. However, as already noticed, there is no provision for issuing directions.

9. Learned counsel for the Respondent has taken us through the Orders dated 08.02.2023 and 20.01.2025, and the stand taken by the Appellant in the written statement as well as the Will. It would not be appropriate for this Court to express any opinion on the merits of the case, particularly when the Impugned Order neither amounts to a decree nor is it supported by any provision of law.

10. Hence, on this short question, the Impugned Order is set aside. It is needless to state that it shall be open for the learned Single Judge to proceed in accordance with law.

11. Accordingly, the present Appeal, along with pending application(s), if any, is disposed of in the aforesaid terms.

ANIL KSHETARPAL, J.

HARISH VAIDYANATHAN SHANKAR, J.
SEPTEMBER 26, 2025/nd/va