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

+ **RFA(OS) 6/2025**

KULBIR SINGH CHANDHOK

.....Appellant

Through: Mr.Bhagat Singh, Adv.

versus

VIPULA CHANDHOK

.....Respondent

Through:

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

23.01.2025

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CM APPL. 4406/2025 & CM APPL. 4408/2025

1. Exemptions allowed, subject to all just exceptions.
2. The applications stand disposed of.

RFA(OS) 6/2025, CM APPL.4409/2025 (delay of 25 days (RF)) & CM APPL.4407/2025 (stay)

3. The present appeal under section 10 of the Delhi High Court Act, 1966, seeks to assail the impugned order dated 30.09.2024 passed by the learned Single Judge in CS(OS) No.184/2018. Vide the impugned order, the learned Single Judge has decreed the suit preferred by respondent nos.1 to 6 and has consequently, passed a decree of preliminary partition in respect of property bearing no. B-39, Greater



Kailash Part-I, New Delhi.

4. The learned counsel for the appellant primarily submits that the impugned order incorrectly records that the parties had, in the year 2008, made an application for joint mutation of the property in their name collectively. As per learned counsel for the appellant, the said application was made for mutation of the respective partitioned share of the parties separately, only in furtherance of the partition of the property, which according to him, had already taken place in 1998.
5. In our view, even if this plea of the appellant were to be treated as correct, the appropriate remedy of the appellant would be to first approach the learned Single Judge for correction of this factual error in the impugned order.
6. When faced with this situation, learned counsel for the appellant seeks leave to withdraw the appeal with liberty to approach the learned Single Judge by way of an appropriate application seeking clarification.
7. In the light of the aforesaid, the appeal is, as prayed for, disposed of as not pressed with liberty to the appellant to approach the learned Single Judge, by allowing the appellant to seek appropriate clarification by way of an application in accordance with the law. Needless to say, the said application, as and when moved, will be considered as per law.
8. We further make it clear that the appellant is being permitted to approach the learned Single Judge by way of a clarification application, if aggrieved by the disposal thereof it will be open for the appellant to challenge the outcome thereof by way of a fresh appeal.



9. We, accordingly, make it clear that the appellant will be entitled to take all the pleas and raise all the grievances including those taken and/ or raised before us in the present appeal in the fresh application to be filed before the learned Single Judge in terms of the above direction.

REKHA PALLI, J

SAURABH BANERJEE, J

JANUARY 23, 2025

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