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

+ **FAO(OS) 155/2025**

BHAVESH MADAN

.....Appellant

Through: **Mr. Rajesh Mahindru, Adv.**

versus

ANJU CHADHA & ANR.

.....Respondents

Through: **None.**

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

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

ORDER

% **16.12.2025**

CM APPL. 79136/2025 (Delay of 28 days in filing Appeal)

1. By way of the present application filed under Section 5 of the Limitation Act, 1963, the Applicant/Appellant seeks condonation of delay of 28 days in filing the present Appeal.

2. For the sufficient reasons as stated in the application, the delay is condoned.

3. Accordingly, the present application stands disposed of.

CM APPL. 79135/2025 (Exemption)

4. Allowed, subject to all just exceptions.

5. Application stands disposed of.

FAO(OS) 155/2025

6. The Defendant No.1 (Appellant herein) assails the correctness of the impugned order passed by the learned Single Judge while dismissing his application under Order VII Rule 11 of the Code of Civil Procedure, 1908 [hereinafter referred to as 'CPC'], to reject the Plaintiff's plaint at the threshold.



7. The Plaintiff (Respondent No.1 herein) filed suit for partition, decree for permanent injunction and rendition of accounts. She is one of the children of late Sh. Ramesh Chand Madan and late Smt. Kamlesh Madan, who are stated to have died intestate. They left behind the Plaintiff, the daughter and two sons, namely, Bhavesh Madan and Suresh Madan.

8. The Plaintiff sought partition of the following properties: -

Immovable Properties:

- (i) 1/3rd share of Smt. Kamlesh Madan in Property No. 4360A-4362, Main Bazar, Paharganj, New Delhi.
- (ii) 1/3rd share of Smt. Kamlesh Madan in Property No. 4361, Main Bazar, Paharganj, New Delhi.
- (iii) 1/3rd share out of 1/4th share in Property No. D-3, LSC 2, Vasant Vihar, New Delhi (owned by late Sh. R. C. Madan).
- (iv) Property in Village Mewla Maharajpur, Haryana (owned by late Sh. R. C. Madan).
- (v) Property in Village Anangpur, Haryana (owned by late Sh. R. C. Madan).
- (vi) Property No. 136, Mandakini Enclave, New Delhi.

Movable Assets:

- (vii) All bank accounts, fixed deposits, and investments held in the name of Smt. Kamlesh Madan.
- (viii) Locker held by Smt. Kamlesh Madan in DCB Bank, Parliament Street Branch, New Delhi.

Shares and Business Interests:

- (ix) Shares of Smt. Kamlesh Madan in Travellers (India) Forex Blue Pvt. Ltd.
- (x) Shares of Smt. Kamlesh Madan in Madan Travellers Guest House Pvt. Ltd.
- (xi) Joint family businesses, including:
 - a. Travellers (India) Forex Blue Pvt. Ltd.
 - b. Madan Travellers Guest House Pvt. Ltd.
 - c. Madan Stores

9. The application has been dismissed on the ground that the plaint cannot be rejected in part.

10. Learned counsel representing the Appellant submits that the



property enlisted at Serial No.(vi) has wrongly been included in the suit. He submits that this property belongs to the Appellant (Defendant no.1) and his wife.

11. This Court has considered the submission. As already noticed, the rejection of a part of the plaint is not permissible under Order VII Rule 11 of the CPC.

12. In these circumstances, the Appellant, if so advised, may file an appropriate application before the Court for excluding the property located at Mandakini Enclave, from the suit. If such application is filed, the Court will decide the same in accordance with law.

13. With these observations, there is no ground to interfere and the present Appeal is dismissed.

ANIL KSHETARPAL, J.

HARISH VAIDYANATHAN SHANKAR, J.
DECEMBER 16, 2025/sp/ra