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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(OS) 596/2021 & I.A. 14978/2021, I.A. 39854/2024, I.A.
42357/2024

PULKIT RAJ MITTALPlaintiff

Through: Mr. Sanjay Mann, Adv.

versus

MS SAMRAT LANDSCAPE PRIVATE LIMITED & ANR.

.....Defendants

Through: Ms. Kirti Mewar, Adv. for D-2.

CORAM:
HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

% **21.05.2026**

CS(OS) 596/2021

1. The present suit is for partition in which a preliminary decree was passed by this Court *vide* order 19.11.2025. It was also agreed between the parties that the suit property will be sold and accordingly, Local Commissioner was appointed to undertake the sale of the property on the terms recorded therein.
2. Mr. Kanwal Jeet Arora, learned Local Commissioner, who has joined through VC submits that efforts were made to execute the commission, however, for the reasons delineated in his report, the sale could not take place.
3. Mr. Sanjay Mann, learned counsel for the plaintiff thus, contends that the final decree be passed in the present matter, since the sale by mutual



consent could not materialize.

4. Therefore, the only alternative which remains is to pass a final decree.

5. Accordingly, a final decree for partition by sale of the suit property bearing no. Plot No. 5, Road No. 32, Refugees Co-Operative Housing Society, Punjabi Bagh (East), New Delhi 110026 and distribution of sale proceeds thereof in accordance with the shares declared in the preliminary decree as aforesaid, is passed.

6. The decree sheet be drawn accordingly.

7. The suit stands disposed of.

CC 8/2022

8. Since, defendant no.1 has filed a counter-claim to the tune of Rs.1,05,14,227/- along with the interest on account of his claim for an amount spent on construction, the parties are agreeable that during the execution proceedings, whenever the suit property is put to sale, the sale proceeds of the same shall be deposited in Court and the disbursal of the said amount shall be subject to the final outcome of the counter-claim.

9. List the counter claim on 28.10.2026.

MAY 21, 2026/dss

VIKAS MAHAJAN, J