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

% **Date of Decision: 16th April, 2026**

+ CS(OS) 934/2025, I.A. 31981/2025, I.A. 31982/2025 &
I.A.10326/2026

PADAM SAGAR BAVEJAPlaintiff

Through: Mr. Rishi Manchanda and Mr. Arun
Kumar, Advs. with plaintiff in person
M: 9911681178

versus

NEETI SINGH & ORS.Defendants

Through: Mr. Siddharth Mullick, Adv. for D-2
and 3 with D-3 in person
M: 9953903010
Mr. Sumeer Sodhi, Mr. Arjun Nanda
and Mr. Hardeek Goyal, Advs. for D-
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M: 8800789007
Email: arjun@vsalegal.in

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

MINI PUSHKARNA, J. (ORAL):

1. The present is a suit for partition of the suit property, i.e., 3-BHK flat bearing No. B-704, 7th Floor, Kedar Apartments, Sector-9, Rohini, Delhi-110085, admeasuring about 1053 square feet.
2. The preliminary decree already stands passed on 19th December, 2025 declaring the share of the plaintiff and the three defendants as 1/4th share



each in the suit property.

3. The parties were referred to Mediation. However, this Court is informed that the Mediation has failed, and the same is corroborated by the Mediation Report dated 23rd March, 2026.

4. Since the suit property is a 3-BHK flat and there are four shareholders to the said flat, the property cannot be divided by metes and bounds.

5. Learned counsels appearing for the plaintiff as well as for the defendants are *ad-idem* that the property would have to be sold either through *inter se* bidding/ private sale, and if the aforesaid fails, then through auction.

6. Learned counsel appearing for the plaintiff submits that original title deed of the suit property is missing and First Information Report (“FIR”) has been lodged in that regard. However, this Court is informed that the suit property is a freehold property.

7. All the parties jointly request that a final decree be passed and a Local Commissioner (“LC”) be appointed for the purposes of carrying out *inter se* bidding/private sale/auction.

8. Accordingly, the parties are directed to approach the concerned authority to obtain the certified copies of the title documents of the suit property.

9. It is directed that all the parties shall co-operate with each other in obtaining the certified copies.

10. This Court is further informed that the defendant no. 11 filed a suit for permanent injunction, i.e., *Suit No. 17 CS DJ 920/2025* which is stated to be pending in the Court of District Judge-III, North-West District, Rohini Courts, Delhi.



11. This Court is also informed that *vide* order dated 26th November, 2025 in the said suit, it had been directed that third party rights shall not be created in the suit property.

12. Since the parties are *ad-idem* that the suit property is to be sold, it is clarified that the order dated 26th November, 2025 passed by the District Judge-III, North-West District, Rohini Courts, Delhi in *Suit No. 17 CS DJ 920/2025*, shall not come in the way of sale of the present property.

13. Further, in view of the direction being passed by this Court, the defendant no.1 herein is directed to withdraw the said suit, within a period of two weeks, from today.

14. Accordingly, in view of the above and with the consent of the parties, the following the directions issued:

i. Final decree is passed declaring the plaintiff and the three defendants as having 1/4th share each in the suit property, i.e., *3-BHK flat bearing No. B-704, 7th Floor, Kedar Apartment, Sector-9, Rohini, Delhi-110085*.

ii. Ms. Prema Priyadarshini, Advocate (Mob: 9818107970) is appointed as LC.

iii. In the first instance the LC shall conduct *inter se* bidding between the parties. The parties shall be permitted to submit their respective *inter se* bids to the LC in respect of the property.

iv. The parties will be at liberty to explore the possibility of the private sale through mutual consent under the aegis of the LC. The efforts to undertake the private sale/*inter se* bidding shall be concluded, within a period of six weeks, from today.

v. In case the parties are unable to sell the property through *inter se* bidding/ private sale, the LC will initiate the process of sale of the property



through public auction.

vi. The LC shall be at liberty to carry out the valuation from a Government approved valuer in respect of the suit property.

vii. The LC shall conduct the public auction as per Order XXI Rule 66 of the Code of Civil Procedure, 1908 (“CPC”) read with Chapter XXIV of the Delhi High Court (Original Side) Rule, 2018 and by following due procedure. The LC would be competent to sell the suit property to the highest bidder.

viii. The parties shall be entitled to participate in public auction and bid personally.

ix. The auction/sale shall be conducted on the basis of the certified copies of the title documents, since this Court has been informed that the original title deed has been lost and an FIR in that regard has been lodged.

x. The parties shall cooperate with the LC in executing the Commission.

xi. The fees of the LC is fixed at Rs. 3 Lacs to be shared by the parties equally.

xii. In addition, the fees of the valuer appointed by the LC as well as other out-of-pocket expenses that may be incurred by the LC shall also be borne by the parties equally.

xiii. The LC shall endeavor to complete the process expeditiously.

15. The Registry shall forward a copy of this order to the LC.

16. Let a Decree Sheet be prepared by the Registry of this Court in terms of order passed today.

17. The Local Commissioner shall prepare a comprehensive report and file the same.

18. It is clarified that the name of the husband of the plaintiff shall be read



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as “Late Shri Gian Sagar Baveja” and not as “Gyan Sagar Baweja” as recorded in the order dated 19th December, 2025.

19. The preset suit, along with the pending applications, is accordingly disposed of in the aforesaid terms.

20. List before the Joint Registrar (Judicial) for compliance/further directions on 21st July, 2026.

MINI PUSHKARNA, J

APRIL 16, 2026/KR