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

*Date of decision: 23<sup>rd</sup> May, 2025*

+ CS(OS) 136/2022, I.A. 3737/2022, I.A. 7025-7026/2023, I.A. 7045/2023, I.A. 7196/2023, I.A. 18282/2023 & I.A. 40777/2024

VANSH TALUJA & ANR. ....Plaintiffs

Through: Mr. Harish Gaur, Adv.  
Plaintiff no. 1 along with Ms. Mansi Taluja, Mother of the Plaintiff Nos. 1 and 2 (in person)

versus

BHUPINDER KUMAR TALUJA & ORS. ....Defendants

Through: Ms. Anuja Sinha, Mr. Yati Ranjan and Mr. Rahul Gupta, Advs.  
D-1 (in person)

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**CORAM:**

**HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA**

**J U D G M E N T**

**MANMEET PRITAM SINGH ARORA, J (ORAL):**

1. The present suit has been filed by the two minors i.e., plaintiff no. 1 and plaintiff no. 2 through their mother, the natural guardian Ms. Mansi Taluja. Since, Ms. Mansi Taluja is their natural guardian and has no interest adverse to the plaintiffs, she is entitled to institute this suit as per Order XXXII Rule 1 CPC.

2. Ms. Mansi Taluja is present in Court along with plaintiff nos. 1 and 2.



Defendant no. 1 is also present in Court.

3. Learned counsel for defendant no. 1 states on instructions from defendant no. 1 that the property bearing no. 395 admeasuring approximately 80 Sq. yards situated at Indira Vihar, near BBM Cluster Depot, Mukherjee Nagar, New Delhi - 110009 [**'property no. 395'**] is the personal and absolute property of defendant no. 1. She states that neither the plaintiffs, nor defendant nos. 2 and 3 have any right in the said property.

3.1. She states that with respect to property bearing No. 478, admeasuring approximately 80 Sq. yards situated at Indira Vihar, near BBM Bus Depot, Mukherjee Nagar, Delhi- 110009 [**'property no. 478'**] and shop admeasuring approximately 300 Sq. yards, situated at 179 New Lajpat Rai Market, Chandni Chowk, Delhi-110006 [**'shop no. 179'**], she has instructions to state that the defendants are willing to have a preliminary decree passed declaring 1/4<sup>th</sup> share each of defendant no. 1, defendant no. 2 and defendant no. 3 and plaintiff nos. 1 and 2 [jointly].

3.2. She states that defendant no. 1 has however, a condition that plaintiff nos. 1 and 2 are residing along with Ms. Mansi Taluja on the first floor of property no. 395 and they must vacate the said property, as there is unbearable acrimony between defendant no. 1 and Ms. Mansi Taluja. She states the defendant no. 1 resides on the ground floor of the said property and there is no relationship between the parties.

3.3. She states that consequent to the passing of the preliminary decree, the rental being collected from property no. 478 and shop no. 179 will be duly remitted to the plaintiffs to the extent of 1/4<sup>th</sup> share w.e.f. 01.05.2025.

3.4. She states on instructions from defendant no. 1 that third floor of property no. 478 has been let out at a monthly rent of Rs. 18,000/-. She



states that the ground floor of the said property has been let out at Rs. 9,000/- and will be vacated by the tenant on 31.05.2025 and the ground floor will fall vacant from 01.06.2025.

3.5. She states that shop no. 179 is currently fetching rent of Rs. 40,000/-. She states that 1/4<sup>th</sup> rent collected will be paid over to the mother of the plaintiffs effective w.e.f. 01.05.2025.

4. In reply, learned counsel for the plaintiffs states on instructions from Ms. Mansi Taluja that plaintiffs have no objection to deletion of property no. 395 from the scope of this suit because having perused the title documents filed on record, they are satisfied that this is the absolute property of defendant no. 1.

4.1. He states that initially that when the suit was filed, the said property was included on the basis of hearsay between Ms. Mansi Taluja and her mother in-law late Smt. Chander Prabha Taluja. He further, states that the plaintiffs are satisfied if a preliminary decree declaring the plaintiffs 1/4<sup>th</sup> share in property no. 478 and the shop no. 179 is passed forthwith as well as in the moveable estate of their grandmother.

5. Ms. Mansi Taluja is present in Court. Ms. Mansi Taluja has interacted with this Court. She states that she undertakes to vacate the first floor of property no. 395 along with the plaintiffs. She states that she requires time until 30.09.2025 to vacate the said property. She states that she requires these four (4) months to find an alternate accommodation.

Defendant no. 1 is agreeable to this time sought.

6. This Court has heard the counsel for the parties.

7. The present suit has been filed for partition of the estate of late Smt. Chander Prabha Taluja.



8. The list of immovable properties is set out at paragraph 9 of the plaint which reads as under: -

“9. It is submitted that the deceased grandmother of the Plaintiffs was the exclusive and absolute owner of the following Immovable Properties, as per knowledge of mother of Plaintiffs-

- i. The said Property i.e. the property bearing No. 395, admeasuring approximately 80 Sq. yards, situated in Indira Vihar, Near BBM Bus Depot, Mukherjee Nagar, Delhi- 110009, comprising of 3 (three) floors (top floor is on rent and earning a rent of approximately Rs. 11,500/-);
- ii. Ground Floor and Third floor of the Property bearing No. 478, each admeasuring approximately 80 Sq. Yds., situated in Indira Vihar, Near BBM Bus Depot, Mukherjee Nagar, Delhi- 110009. [Both the floors are on rent and earning approximately Rs. 10,500/- and Rs.15,000 each month]. A site plan showing property bearing No. 478 is annexed alongwith list of documents as **Site Plan B**.
- iii. Shop admeasuring approximately 300 Sq. Yards, situated at 179 New Lajpat Rai Market, Chandni Chowk, Delhi-110006. A site plan showing Shop at 179 is annexed alongwith list of documents as **Site Plan C**.

The details of above Properties have also been mentioned in **Schedule -I**, attached hereto and be considered as part of this Plaint.”

9. In view of the submissions of defendant no. 1 and the admission of the plaintiffs, property at paragraph no. 9(i), which reads as ‘property bearing No. 395, admeasuring approximately 80 Sq. yards, situated in Indira Vihar, Near BBM Bus Depot, Mukherjee Nagar, Delhi- 110009’, is deleted is deleted from the scope of this suit.

10. There is no dispute that property at paragraph nos. 9(ii) and 9(iii) forms part of the estate of late Smt. Chander Prabha Taluja. It is also



admitted that the plaintiffs, defendant no. 1, defendant no. 2 and defendant no. 3 are the only natural legal heirs of late Smt. Chander Prabha Taluja, who are entitled to succeed to her estate (both moveable and immovable).

11. Accordingly, this Court hereby passes a preliminary decree declaring plaintiffs are jointly entitled to 1/4<sup>th</sup> share as well as defendant no. 1, 2 and 3 entitled to 1/4<sup>th</sup> share each in the following properties.

(i) Property bearing No. 478, situated in Indira Vihar, Near BBM Bus Depot, Mukherjee Nagar, Delhi- 110009;

(ii) Shop admeasuring approximately 300 Sq. Yards, situated at 179 New Lajpat Rai Market, Chandni Chowk, Delhi-110006.

12. In addition, the plaintiffs together are entitled to 1/4<sup>th</sup> share each as well as defendant no. 1, 2 and 3 are entitled to 1/4<sup>th</sup> share each in the moveable estate of late Smt. Chander Prabha Taluja. A preliminary decree is also passed to this effect.

13. This Court takes note of the rates of the rent currently being collected by defendant no. 1 from property mentioned at paragraph nos. 9(ii) and 9(iii). The total rent collected for the month of May, 2025 is Rs. 67,000/-.

Defendant no. 1 is directed to remit Rs. 16,750/- to Ms. Mansi Taluja within one (1) week towards the share of the plaintiffs.

14. The statement of Ms. Mansi Taluja that she and the plaintiffs will vacate the property no. 395 on or before 30.09.2025 is taken on record. She is bound down to the said undertaking.

15. It is directed that defendant no. 1 will continue to remit 1/4<sup>th</sup> share of the rent collected from property no. 478 and shop no. 179 to Ms. Mansi Taluja.

However, in case, Ms. Mansi Taluja and the plaintiffs fails to vacate



the property no. 395 on or before 30.09.2025, defendant no. 1 will stop remitting plaintiff's share of the rent.

16. The registry is directed to draw up preliminary decree in terms thereof.

17. The matter will be taken up on the next date of hearing, for passing a final decree of partition to enable separation of shares in the entire estate (moveable and immoveable).

18. Learned counsel for the plaintiff states that the right to receive rent for the plaintiffs should be reckoned from the date of death of Smt. Chander Prabha Taluja or at least since the date the present suit was filed. This issue will also be taken into consideration on the next date, after verifying the compliance of the directions passed today.

**Modification of the interim order dated 08.03.2022**

19. Learned counsel for defendant no. 1 states that Schedule II to the plaint enlists two (2) bank accounts at serial nos. 6 and 8 which read as under:

“6. Deposits in Bank Account No. 39768456202 maintained with SBI, Mukherjee Nagar Branch. [Amount not known]

...

8. Deposits in Bank Account No. 10716143545 maintained with State Bank of India, Vijay Nagar Branch. [Amount not known]”

19.1. She states that State Bank of India [‘SBI’] account at serial no. 6 is defendant no. 1's sole account.

19.2. She states that SBI account at serial no. 8 is defendant no. 1's pension account. She states that in this pension account, defendant no. 1 receives pension from his employer ESI. She states that no income of late Smt. Chander Prabha Taluja was received in this account. She states that Smt.



Chander Prabha Taluja was joined as a joint account holder, on the advice of the banker.

20. Learned counsel for the plaintiff is unable to rebut the aforesaid submissions of the defendant no. 1.

21. In view of the aforesaid submissions of defendant no. 1, the interim order dated 08.03.2022 is modified and vacated to the extent of bank accounts enlisted serial nos. 6 and 8 of Schedule-II of the plaint. It is clarified and directed that defendant no. 1 is at liberty to operate the bank accounts enlisted at Sr. no. 6 and 8 of Schedule-II of the plaint.

22. However, since, late Smt. Chander Prabha Taluja is also a joint account holder of the SBI account at Sr. no. 8, defendant no. 1 is directed to file an affidavit to the effect that no personal income of Smt. Chander Prabha Taluja has been received in this account after her death on 11.05.2021. In this affidavit, defendant no. 1 is directed to make a full disclosure of all movable assets comprising of policy claims, Fixed Deposits (FDs) and saving bank accounts, etc. which came into the hands of defendant nos. 1, 2 and 3 after the death of late Smt. Chander Prabha Taluja. The affidavit be filed within six (6) weeks.

23. The affidavit will assist the Court in passing the final decree for division of the moveable estate.

24. The parties have affixed their signatures on this order in acceptance of their statements recorded in the order and directions issued herein.

25. List on **15.10.2025**.

26. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, [www.delhihighcourt.nic.in](http://www.delhihighcourt.nic.in), shall be treated as a certified copy of the order for the purpose of ensuring compliance. No



physical copy of order shall be insisted by any authority/entity or litigant.

**MAY 23, 2025/msh/MG**

**MANMEET PRITAM SINGH ARORA, J**

*Click here to check corrigendum, if any*

**(Plaintiff No. 1) through guardian Ms. Mansi Taluja, Mother of  
Plaintiff No. 1  
Identified by counsel**

**(Plaintiff No. 2) through guardian Ms. Mansi Taluja, Mother of  
Plaintiff No. 2**

**Identified by counsel**

**(Defendant No. 1)**

**Identified by counsel**