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

+ CS(OS) 101/2000 and IA No. 528/2000

RAVI CHAND GARG AND ORS. .... Plaintiffs

Through : None

versus

USHA RANI JAIN AND ANR. .... Defendants

Through : None

**CORAM:**

**HON'BLE MR. JUSTICE A.K. PATHAK**

**ORDER**

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**20.08.2015**

Case has been listed on office noting. A perusal of order dated 23<sup>rd</sup> February, 2000 shows that a preliminary decree was passed thereby holding that plaintiff nos. 1 to 5 and defendant no. 2 together were co-owners to the extent of 50% share and defendant no. 1 was co-owner of the remaining 50% share in the property being plot nos. 3 and 4, Block L, Connaught Circus, New Delhi.

Plaintiffs and defendant no. 2 were directed to file affidavits showing how the property can possibly be partitioned by metes and bounds. Subsequently, an application under Order 23 Rule 3 CPC being IA No. 2202/2000 was filed by the parties, which has been disposed of vide order

dated 1<sup>st</sup> March, 2000. A perusal of order dated 1<sup>st</sup> March, 2000 shows that this application was allowed; however, suit was adjourned sine die with liberty to the parties to apply for passing final decree, if necessary. A perusal of IA No. 2202/2000 shows that parties had agreed to sell the property jointly and with mutual consent. It was specifically prayed in the application that suit be disposed of, in terms of the settlement as arrived at between the parties. Fifteen years have gone by. No such application has been filed for passing a final decree. Accordingly, no further orders are required to be passed in the suit. Suit stands disposed of. Miscellaneous application is disposed of as infructuous.

**A.K. PATHAK, J.**

**AUGUST 20, 2015**

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