

\$~11.

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

+ CS(OS) 2180/2013

AJEET ATMA SINGH GILL & ORS Plaintiffs
Through: Mr. Abhimanyu Singh, Advocate

versus

ARVIND KHOSLA Defendant
Through: Mr.P.K. Agarwal, Advocate

CORAM:
HON'BLE MS. JUSTICE HIMA KOHLI

ORDER
% 11.09.2015

1. The present suit has been instituted by the plaintiffs for seeking partition of premises No.324, Sant Nagar, East of Kailash, New Delhi, measuring 200 sq. yards. The three plaintiffs jointly claim a share to the extent of 50% in the suit premises and the defendant is the joint owner of the remaining 50%.
2. Counsels for the parties state that a preliminary decree was passed on 13.02.2014, determining the shares of the parties in the suit premises and declaring that the plaintiffs are collectively entitled to 50% undivided share in the suit premises and the defendant is entitled to the remaining 50%. Thereafter, the parties were referred to mediation. However, the mediation did not result in a settlement.

3. On 04.08.2014, a Court Commissioner was appointed to suggest ways and means of partitioning the suit premises.
4. Counsels for the parties state that their clients did not approach the Court Commissioner and instead they have interacted with each other directly and all of them are *ad idem* that the preliminary decree dated 13.02.2014 may be converted into a final decree and the parties be left to take steps to jointly dispose of the suit premises in the open market and share the sale proceeds in terms of the final decree.
5. In view of the aforesaid submission, the preliminary decree dated 13.02.2014, is converted into a final decree. Decree sheet be drawn accordingly.
6. In case the parties are unable to take joint steps to dispose of the suit premises in the open market and share the sale proceeds in terms of the decree passed in the present suit, the aggrieved party shall be entitled to seek execution of the decree in accordance with law.
7. The suit is disposed of while leaving the parties to bear their own expenses.

HIMA KOHLI, J

SEPTEMBER 11, 2015

rkb