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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CS(OS) 510/2007 & IA.No.3153/2007(for stay)

MEENA SENGUPTA

..... Plaintiff

Through:

versus

VIRENDER GUPTA & ORS.

..... Defendants

Through:

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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30.11.2016

1. Summons even of this suit, instituted in the year 2007, have not been issued as yet.
2. The plaintiff instituted the suit impleading Shri Virender Gupta, Shri Nitender Gupta and Shri. Robinder Gupta as defendants No. 1, 2 and 3 respectively and for the following reliefs.
 - a. pass a decree of declaration by declaring the preliminary decree of partition and/or order dividing the suit property in the ration of 30:40:30 between the defendants respectively passed in Suit No. 1675/1984 being permeated by fraud, undue influence, misrepresentation and thereby not binding upon the plaintiff herein.
 - b. Pass a decree of mandatory injunction directing that the plaintiff is not bound in any manner by the said preliminary decree and/or order directing division in the property in the ration of 30:40:30 respectively between the defendants and

consequential thereto the same be not in any manner enforced against the plaintiff.

- c. Pass a decree of partition of the property bearing No.87, Sunder Nagar, New Delhi left by late Shri T.N. Gupta and Smt. Ganga Devi, father and mother of the parties hereto by metes and bounds in equal share between the parties hereto.

3. The suit came up before this Court first on 19th March, 2007 when it was adjourned to 23rd April, 2007. On 23rd April, 2007 it was ordered to be listed alongwith CS(OS)1675/1984 and the subsequent orders dated 17.09.2007, 20.09.2007, 26.09.2007, 12.10.2007, 16.11.2007, 08.02.2008, 12.05.2008, 23.07.2008, 10.11.2008 and 23.01.2009, merely adjourned the suit and / or adjourned the suit to be taken up alongwith CS(OS) No.1675/1984 and Probate Case No. 46/1983.

4. The order of 13th January, 2010 records the statement of the counsel for the plaintiff that cross SLPs have been preferred before the Supreme Court. Thereafter vide order dated 3rd August, 2010 the suit was adjourned sine die with liberty to the plaintiff to get it revived as and when the matters pending before the Supreme Court are disposed of.

5. None applied for revival of the suit and the Registry of this Court of its own listed the suit on 20th August, 2015 and thereafter on 6th January, 2016 when it was informed that the matter was still pending in the Supreme Court. On that date, notices were also

ordered to be issued to both the parties. The plaintiff is reported to have been served. On 26th May, 2016 again it was stated that the Civil Appeal before the Supreme Court was pending.

6. Today none appears.
7. Dismissed in default.

RAJIV SAHAI ENDLAW, J

NOVEMBER 30, 2016
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