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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(OS) No.722/2005, IA No.4165/2005, (under Order 39 Rules 1&2 of the CPC), IA No.8798/2005 (of defendants no.2&3 for interim direction) and IA No.15750/2012 (of the LRs no.2&3 of the defendant no.1 for grant of adjournment).

SMT. WARYAM KAUR & ANR. Plaintiffs

Through: Mr. Rajat Aneja and Mr. Toyesh
Tewari, Advs.

versus

S.NIRPAL SINGH (THROUGH LRs) AND ANR. Defendants

Through: Mr. Rajesh Yadav and Mr. Neeraj
yadav and Mr. Amanpreet Singh,
Advs. for D-1.

Mr. A.K. Vali and Mr. Farid Khan,
Advs. for D-2(a),(b)&(c)

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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09.11.2016

1. This order is in continuation of the earlier order dated 26th October, 2016.
2. The counsel for the plaintiffs has today in court handed over amended memo of parties which is taken on record.
3. The counsel for the plaintiffs states that a final decree for partition as proposed in para 15 of the order dated 26th October, 2016 be passed also providing that the parties, if are able to arrive at a mutual settlement as to re-construction of the properties, would be entitled to.
4. The counsel for one of the legal heir, namely Smt. Jaspal Kaur, of the defendant no.1 states that the said legal heir of the defendant no.1 is willing to re-construct the properties as a builder. He however, on enquiry states,

that while leaving the option open to the parties as suggested by the counsel for the plaintiffs, option be also given to the parties to do *inter se* bidding.

5. The counsel for the defendant no.2 is also agreeable thereto.

6. Accordingly, a final decree for partition of properties no.K-21 and K-22, Jungpura Extension, New Delhi is passed, of sale of the said properties and distribution of sale proceeds amongst the parties as per their respective shares declared in the preliminary decree for partition. It is however further decreed that the parties will have an option to first do *inter se* bidding and only if are unable to consensually do the same, to have the properties auctioned and in which auction also all the parties shall be entitled to bid.

7. To enable the parties to also explore the possibility of re-construction of the properties and division of the re-constructed properties amongst themselves, it is further ordered that none of the parties shall be entitled to apply for execution of this final decree for partition for a period of six months from today.

8. The parties are left to bear their own costs.

9. Decree sheet be prepared.

RAJIV SAHAI ENDLAW, J

NOVEMBER 09, 2016

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