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

+ CS(OS) 1551/2012

SHYAM GOKULDAS AHUJA

..... Plaintiff

Through: Mr. Amiet Andley and Mr. K.Sharma,
Advocates.

versus

PUSHOTTAM LAL SAHNI

..... Defendant

Through: Mr. Amit S. Chadha, Sr. Adv. with
Mr. Kunal Sinha, Advocate.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% **18.01.2016**

1. In order to claim partition by metes and bounds or by the requisite share in the net sale proceeds of the suit property bearing no E-18, Kalindi Colony, Ring Road, Delhi, plaintiff has to necessarily rely upon the judgment dated 27.11.2010 passed in Suit No. 758/06/1992 titled as Sh. *Shyam Gokuldas Ahuja Vs. Sh. P.L.Sahni* decided by the Court of Sh. N.K.Malhotra, ASCJ (North), Tis Hazari Courts, Delhi.

2. Reference to para 6 of the judgment dated 27.11.2010 in the said Suit No. 758/06/1992 shows that issue of partition will only come after finality is achieved to the Suit No. 346/04 which is said to have been filed by the wife of the defendant in the present suit, and who is claiming ownership to the suit property. Admittedly, the Suit No. 346/04 is still pending disposal and therefore, the present suit is pre-mature.

3. In view of the above, this suit is disposed of for the time being with liberty to revive the same on the finality being achieved in Suit No.346/04 which is the subject matter of para 6 of the judgment dated 27.11.2010.

4. At this stage, counsel for the plaintiff states that plaintiff is over 80 years of age and it would be appropriate if parties are referred to mediation so that disputes are settled out of Court. Learned senior counsel for the defendant could not have and did not have any objection to this proposal.

5. Accordingly, though this suit is disposed of for the time being with liberty to revive the same on the disposal of Suit No. 346/04 filed by the wife of the defendant herein, let parties alongwith their Advocates appear in

the Delhi High Court Mediation and Conciliation Centre for mediation proceedings on 23rd February, 2016 at 4.00 PM.

VALMIKI J. MEHTA, J

JANUARY 18, 2016
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CS(OS) 1551/2012

page 3 of 3