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

+ RSA 152/2014 & CM No. 10465/2014 (stay)

TEK RAM

..... Appellant

Through: Mr. RajeshYadav and Ms. Ruchira
Arora and Mr. Dhananjay Mehlawat,
Advocates.

versus

DENA BANK & ANR

..... Respondents

Through: Counsel for R-1. (appearance not
given)
Mr. Anil Kr. Kher, Sr. Adv. with Mr.
D.R.Bhatia and Ms. Mamita Sharma,
Advvs. for R-2.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% **19.05.2017**

1. After arguments, this appeal is disposed of with the following
consent order:-

(i) Appellant/plaintiff as also the respondent no.2/defendant no.2 are
declared each to be half undivided co-owner of the suit property bearing no.
A-3, Kirti Nagar, Delhi.

(ii) The sale deed executed by Smt. Shashi Arora wife of Sh. Raj Kumar
Arora will be taken as having transferred 50% rights of Smt. Shashi Arora in

the suit property to the appellant, but this 50% / half ownership rights will be an undivided ownership.

(iii) The suit filed by the appellant/plaintiff for partition of the suit property against the respondent no.2/defendant no.2/Dr. Kimti Lal Arora will revive and in this suit for partition proceedings as per law will be initiated and continued to bring about partition of half shares of the appellant and the respondent no.2/defendant no.2 in the suit property.

(iv) RFA 422/2012 pending in this Court titled as ***Tek Ram Vs. Kimti Lal Arora*** will be got disposed of in terms of the present order by reviving the suit for partition of the suit property.

(v) The defendant no.1/respondent no.1/Dena Bank will pay 50% of the rent of the suit property to the appellant/plaintiff and the remaining 50% of the rent to the respondent no.2/defendant no.2.

(vi) Whatever are the arrears of rent which will be payable by the respondent no.1/defendant no.1/tenant/Dena Bank for the suit property will be paid by it half to the appellant/plaintiff and half to the respondent no.2/defendant no.2 within a period of four weeks from today.

(vii) In case any amount is already deposited by the respondent no.1/defendant no.1/tenant/Dena Bank in the account of the respondent no.2/defendant no.2/Dr. Kimti Lal Arora, then such amount deposited will be bifurcated by the respondent no.1/tenant with half being paid to the respondent no.2/defendant no.2 and half the amount withdrawn from the account of the respondent no.2/defendant no.2 and paid to the appellant/plaintiff.

(viii) In case the amount deposited by the respondent no.1/tenant in the account of the respondent no.2/defendant no.2 has earned interest then this interest will also be divided equally between the appellant/plaintiff and the respondent no.2/defendant no.2

(ix) Rent of the suit property month by month from June 2017 will now be paid by the respondent no.1/defendant no.1/tenant/Dena Bank half to the appellant/plaintiff and half to the respondent no.2/defendant no.2.

2. The appeal is accordingly disposed of in terms of the aforesaid consent order, leaving the parties to bear their own costs.

Dasti to counsel for the parties.

VALMIKI J. MEHTA, J

MAY 19, 2017/ib
RSA 152/2014

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