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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
RFA 334/2017, CM No.11952/2017 (for stay) & CM No.21332/2017
(for hearing of CM No.111952/2017)
DEVINDER SINGH Appellant

Through: Mr. Sudhanshu Batra, Sr. Adv. with
Mr. Kamal Jindal, Adv.

Versus

JASBIR SINGH & ORS Respondents

Through: Ms. Sonali Malhotra & Mr. Amit
Sanduja, Adv. for R-1.
Mr. B.P. Singh Parihar, Adv. for R-3.

AND

+ RFA 540/2014
DEVIDNER SINGH

..... Appellant
Through: Mr. Sudhanshu Batra, Sr. Adv. with
Mr. Kamal Jindal, Adv.

Versus

JASBIR SINGH & ORS Respondents

Through: Ms. Sonali Malhotra & Mr. Amit
Sanduja, Adv. for R-1.
Mr. B.P. Singh Parihar, Adv. for R-3.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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03.07.2017

1. The senior counsel for the appellant on being asked the response to the query as recorded in the order dated 27th March, 2017, under instruction states that the appellant does not challenge the preliminary or final decree for partition and only desires that the parties, before auction of the property, as decreed, have an opportunity of *inter se* bidding.

2. The counsel for the respondent no.1 and the counsel for the respondent no.3 have no objection.
3. The senior counsel for the appellant states that the respondents no.4 and 5 have already relinquished their share in the property in favour of the appellant.
4. None appears for the respondent no.2 despite service.
5. The respondent no.2 is ordered to be proceeded against *ex parte*.
6. RFA No.334/2017 has been preferred against the final decree for partition. It is stated that RFA No.No.540/2014 preferred against the preliminary decree for partition is listed today before Sh. P.K. Uppal, Registrar.
7. In view of the aforesaid, the file of RFA No.540/2014 has been requisitioned from the Court of Sh. P.K. Uppal, Registrar.
8. In further view of the aforesaid statements, both the appeals are disposed of by confirming the preliminary decree for partition as well as the final decree for partition by sale of the property and distribution of sale proceeds as per the shares declared in the preliminary decree but with the modification that prior to the sale of the property by open bidding, the parties shall within two months of today hold *inter se* bidding and in which *inter se* bidding the respondents no.1 and 3 who otherwise state that they are not interested in acquiring the property shall be entitled to make bids on behalf of outsiders who may be interested in acquiring the property and the property will be so sold to the highest bidder and the parties shall deliver the vacant, peaceful, physical possession of the portion of the property in their

respective possession to such highest bidder. If the said *inter se* bidding does not succeed, the property shall be sold in terms of the final decree for partition dated 25th January, 2017 i.e. by open auction.

9. The parties to bear their own costs.

10. The parties to appear before Ms. Kajal Chandra, Advocate also a mediator attached to the Mediation Cell of this Court, on 20th July, 2017 for the purpose of attempting *inter se* bidding. In the event of the *inter se* bidding being successful, the highest bidder to also pay honorarium of Rs.20,000/- to Ms. Kajal Chandra, Advocate/Mediator.

11. Decree sheet be drawn up.

RAJIV SAHAI ENDLAW, J

JULY 03, 2017

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