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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(OS) 3386/2014 I.A. Nos. 8808/2017, 7503/2016, 16321/2015,
20848/2015, 9502/2016, 22315/2015
VIKAS MALHOTRA

..... Plaintiff

Through : Mr.Rahul Shukla, Advocate.

versus

HARISH MALHOTRA & ORS

..... Defendants

Through : Brother of defendant No.1 in person.

CORAM:

HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

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04.08.2017

IA No.8808/2017 is moved by the parties under Order 23 Rule 3 of the CPC for withdrawal of the suit. This Court has passed a preliminary decree on 06.05.2015 and had declared that the parties are entitle to the undivided share in the manner as stated in para No.2 of the application.

It is submitted that after passing of the preliminary decree defendant Nos.3 and 4 had relinquished their 24% and 4% shares in the suit property in favour of defendant No.1 and 2 equally; thus latter had acquired 38% share each in the suit property. Further, defendant No.5 had relinquished her 12 % share in favour of the plaintiff vide relinquishment deed dated 22.04.2017, thus, plaintiff has acquired 24% share in the suit property.

The plaintiff, and defendant Nos.1 and 2 have now transferred their 24%, 13%, and 38% share respectively to M/s Japna Buildcon LLP vide sale deed dated 09.05.2017 and to Shri Vikas vide sale deed dated 09.05.2017. The defendant No.1 has now become owner of 25% undivided share of the suit property and M/s Japna Buildcon LLP has become owner of 50% undivided share in the suit property and Shri Vikas is an owner of 25% share and other parties are left with no share in the suit property. The defendant No.1 has signed this application and has filed his supporting affidavit.

In the circumstances, the application is allowed and plaintiff is permitted to withdraw the suit. The original documents be released in favour of the plaintiff as per rules. The pending applications stands disposed of. Parties to bear their own costs.

The date already fixed i.e. 27.09.2017 stands cancelled.

YOGESH KHANNA, J

AUGUST 04, 2017

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