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

+ RSA 180/2017 and C.M. Nos.24718/2017 (exemption) & 24719/2017 (under Section 151 CPC)

MOHAN LAL

..... Appellant
Through: Ms. Reena Yadav, Advocate.

versus

RAGHU LAL & ORS

..... Respondents
Through

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% **17.07.2017**

1. During the course of arguments, counsel for the appellant realized that the issue no.3 framed in the suit of the defendant no.2/Sh. Jogeshwar Lal, son of Sh. Raghu Lal (Raghu Lal being real brother of Smt. Buddho Devi) was decided against the defendants including defendant nos.1 and 2, therefore, the succession of the estate of late Smt. Buddho Devi has to take place under the Hindu Succession Act, 1956 with the fact that at the time of death of Smt. Buddho Devi, the natural father of the appellant Sh. Bishan Lal, and who was the brother of Buddho Devi, was alive, and that consequently once Sh. Bishan Lal inherits part of the estate of late Smt. Buddho Devi, hence the appellant/plaintiff as the son and legal heir of his natural father Sh. Bishan Lal will be a co-owner of the estate of the

property and hence entitled to the partition etc of the same. It is prayed that accordingly this appeal be disposed of as not pressed as the appellant/plaintiff intends to file a civil suit for partition etc claiming rights to the estate of deceased Smt. Buddho Devi.

2. In view of the above, while the appeal is disposed of as not pressed the appellant/plaintiff is entitled to file an appropriate suit in the civil court in accordance with law and the concerned court where the civil suit is filed will hear and dispose of the suit in accordance with law.

3. Appeal is accordingly disposed of as not pressed but with the aforesaid observations.

VALMIKI J. MEHTA, J

JULY 17, 2017

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