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

+ RFA 822/2017 & CM Nos. 35216-18/2017

RAM KISHAN

..... Appellant

Through: Mr. S.N.Gupta, Adv.

versus

NATHU RAM & ORS

..... Respondents

Through

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% **25.09.2017**

1. After arguments, this appeal is disposed of as not pressed since there is only a preliminary decree passed and today counsel for the appellant states that the appellant will pursue all legal remedies so as to ensure that the suit property is not sold as the parties are poor and so that they do not lose roof over their heads.

2. Learned counsel for the appellant, in terms of the Division Bench of this Court in the case of *Faquira vs. Raj Rani and Anr. AIR 1984 Delhi 168*, states that in view of peculiar facts of a particular case, the property should not be sold but should be physically partitioned by metes and bounds.

3. Appeal and all pending applications are accordingly disposed of with the aforesaid observations.

VALMIKI J. MEHTA, J

SEPTEMBER 25, 2017

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