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

+ **FAO(OS) 178/2010**

RAM DULARI

..... Appellant

Through: Mr.Kunal Kumar, Adv.

versus

JAI NARAIN PRASAD & ORS

..... Respondents

Through; Ms.Gurmeet Bindra, Adv. for R3

Ms.Manjula Gandhi, Adv. for all the
respondent, except respondent No.3.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% **22.11.2018**

Learned counsel appearing on behalf of Mr.Jagdish Prasad, the third respondent before us, without prejudice to his rights and contentions, submits that the impugned order dated 14.01.2010 passed by the Single Judge disposing of the IA Nos.1966/2000 and 2584/2000 may be set aside for fresh decision of the said applications. She also submits that the said respondent may be given fifteen days time to file replies to the said applications.

Learned counsel for the appellant states that the statement is acceptable. He also submits that the third respondent on account of estoppel by conduct would be barred and prohibited from questioning the Memorandum of Family Settlement which has been accepted by the appellant as well as all other respondents.

Learned counsel for the third respondent has disputed the said position.

We would observe the question of estoppel by conduct or acceptance of the Memorandum of Family Settlement by the third respondent, has to be examined and decided by the Trial Court.

Learned counsel for the parties have made a joint prayer for expeditious disposal of the said applications and the proceedings pending before the Trial Court which arise from a suit for partition which was filed in 1973. Indeed, an early and expeditious disposal is required and necessary.

Recording the said statements and taking them on record, we dispose of the present appeal. We clarify that we have not made any comment on merits.

Order *dasti* under the signature of the Court Master.

SANJIV KHANNA, J.

ANUP JAIRAM BHAMBHANI, J.

NOVEMBER 22, 2018/neelam