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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 767/2011**
MANJIT CHAWLA & ANR Plaintiffs
Through: Mr. Nitin Mangla, Adv.
Versus
SAPNA @ VASUNDHRA & ORS Defendants
Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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11.01.2018

1. Vide judgment dated 3rd January, 2018 in this suit for partition of immovable properties and for permanent injunction, a preliminary decree for partition of the following properties:

- (i) Property No.10A, Curzon Road, Dehradun;
- (ii) Flat No.31, Jungpura Extension Market, New Delhi; and,
- (iii) Flat No.17, Krishna Market, Lajpat Nagar, New Delhi,

declaring the plaintiffs Mrs. Manjit Chawla and Dr. Harjit Singh Kochhar to be jointly having 1/3rd share and the defendants No.1&2 Sapna @ Vasundhra and Rachna jointly having 1/3rd share and the defendants No.3 to 5 Manmeet Kaur Sarna, Inderveen Kaur Sarna and Inderpreet Kaur Chandok jointly having the remaining 1/3rd share therein, was passed.

2. The defendants No.1&2, who alone had contested the suit, did not appear at the stage of hearing of final arguments in the suit and the judgment aforesaid was passed in terms of Explanation to Order XVII Rule 2 of the Code of Civil Procedure, 1908 (CPC).

3. None appears for the defendants No.1&2 today also.

4. The counsel for the plaintiffs states that the defendants No.3 to 5 had supported the plaintiffs.
5. None appears for the defendants No.3 to 5 also.
6. The counsel for the plaintiffs states that the properties cannot be distributed/divided by metes and bounds and a final decree for partition of the properties aforesaid by sale thereof and distribution of sale proceeds in terms of shares declared in the preliminary decree for partition dated 3rd January, 2018, be passed.
7. On enquiry, it is informed (i) that property No.10A, Curzon Road, Dehradun is in possession of Govt. of State of Uttarakhand awaiting the outcome in this suit; and, (ii) that Flat No.31, Jungpura Extension Market, New Delhi and Flat No.17, Krishna Market, Lajpat Nagar, New Delhi are under the lock and key of the defendants No.1&2.
8. The counsel for the plaintiffs further explains that property No.10A, Curzon Road, Dehradun had vested in Govt. of State of Uttarakhand by escheat on a writ petition being filed, the said order has been set aside but the property was ordered to remain in the custody of Govt. of State of Uttarakhand owing to the dispute subject matter of this suit; otherwise, there is no impediment to the sale of the said property or of the other two properties and no outsider is in possession thereof.
9. A final decree for partition of properties aforesaid is passed, of sale of each of the said properties and distribution of sale proceeds amongst the parties as per their respective shares declared in the preliminary decree for partition dated 3rd January, 2018.

10. It is further clarified that whosoever is in possession of any of the aforesaid properties, unless has a right to possession thereof, shall be liable to be dispossessed therefrom, in pursuance to this decree as if in execution in pursuance to a decree for possession and possession be delivered to the purchaser of the properties.
11. The parties are left to bear their own costs.
12. Decree sheet be drawn up.
13. It is found that even the preliminary decree for partition has not been drawn up.
14. The preliminary decree for partition as well as the final decree for partition be drawn up.

RAJIV SAHAI ENDLAW, J.

JANUARY 11, 2018

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