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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 994/2012**
SEEMA DEEPAK Plaintiff
Through: None.
versus
VISHNU PRIYA BENERJEE & ORS Defendants
Through: Mr. S.L. Deepak, D-3 in person.

CORAM:
HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER
% **06.04.2018**

1. In this suit for partition of property no.103, Priya Enclave, Delhi – 110 092 and for permanent injunction restraining the defendants no.1&2 Mrs. Vishnu Priya Banerjee and Mrs. Shipra Roy from dispossessing the plaintiff Ms. Seema Deepak and her husband defendant no.3 Shri Sohan Lal Deepak from the property, vide order dated 2nd August, 2013 a preliminary decree for partition was passed declaring the plaintiff Ms. Seema Deepak to be having 1/3rd undivided share in the land underneath the property and the claim of the plaintiff that the plaintiff and her husband defendant no.3 are the exclusive owners of superstructure constructed over the land was referred to mediation.
2. An order dated 10th July, 2015 in the suit was challenged in FAO(OS) No.456/2015 and vide order dated 29th October, 2015 in the said FAO(OS), the preliminary decree was modified by altering the shares of the parties and it was specified that 37% of the ownership interest in the property i.e. land as well as construction thereon is to fall to the plaintiff and each of the defendants no.1&2 have 31.5% share therein.

3. Thereafter, vide order dated 16th February, 2016 in the suit, the concerned Government Authorities were directed to grant necessary mutation and conversion to freehold of the property.
4. Since then the matter has been adjourned from time to time.
5. Today, only the person who identified himself as defendant no.3 Shri Sohan Lal Deepak appears and states that the plaintiff is abroad and the counsel for the plaintiff is unwell.
6. None appears for the defendants no.1&2.
7. The defendant no.3 Shri Sohan Lal Deepak states that bonhomie has been restored between the parties and the parties have agreed to sell the property but which is taking time.
8. The need to keep the suit pending is not felt.
9. In the light of above, a final decree for partition of property no.103, Priya Enclave, Delhi – 110 092 is passed, of sale of the property and of distribution of sale proceeds in terms of the order dated 29th October, 2015 in FAO(OS) No.456/2015.
10. The parties are left to bear their own costs.
11. Decree sheet be drawn up.

RAJIV SAHAI ENDLAW, J

APRIL 06, 2018

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