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

+ **RFA 89/2005**

PUSHPA TANEJA & ANR.

..... Appellants

Through: Mr. Deepak Anand, Mr. Hemlata Rawat and Mr. Sujit K. Singh, Advocates with appellant no. 1 in person.

versus

MANGAL SAIN TANEJA & ORS.

..... Respondents

Through: Mr. Sudhir K. Saneja, Advocate for R-1.

+ **RFA 658/2016**

PUSHPA TANEJA & ANR

..... Appellants

Through: Mr. Deepak Anand, Mr. Hemlata Rawat and Mr. Sujit K. Singh, Advocates with appellant no. 1 in person.

versus

MANGAL SAIN TANEJA & ORS

..... Respondents

Through: Mr. Sudhir K. Saneja, Advocate for R-1.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% **19.07.2018**

C.M. Appl. No. 12840/2018 (for restoration) in RFA No. 89/2005

1. There is no opposition to this application, which is allowed and the present RFA is restored to its original number.

C.M. stands disposed of.

RFA 89/2005

RFA 658/2016 and C.M. Appl. Nos. 23450/2016, 11018/2017

2. As agreed these appeals are disposed of with the consent order that the two plaintiffs in the suit, and who are the branch of the deceased son Sh. Inder Sain Taneja, son of Sh. Vishan Dass and Smt. Veeran Bai, and defendant no. 5/respondent no. 5 Smt. Pooja Saini, will jointly get $1/5^{\text{th}}$ undivided share in the suit property bearing no. 1047/2, Jain Mandir Marg, Mehrauli, New Delhi. Out of the remaining $4/5^{\text{th}}$ share, $1/5^{\text{th}}$ share will go to defendant no. 1/respondent no. 1 Sh. Mangal Sain Teneja, one other son of Sh. Vishan Dass and Smt. Veeran Bai. Sh. Vishan Dass and Smt. Veeran Bai died leaving behind three daughters and who are the defendant nos. 2 to 4/respondent nos. 2 to 4 and each of the respondent nos. 2 to 4 will get $1/5^{\text{th}}$ share in the aforesaid suit property.

3. Accordingly, the suits and the appeals are disposed of by passing a preliminary decree by giving $1/5^{\text{th}}$ share jointly to the appellants/plaintiffs with defendant no. 5/respondent no. 5 Smt. Pooja Saini. $1/5^{\text{th}}$ share in the suit property goes to respondent no. 1/defendant no. 1 Sh. Mangal Sain Taneja, $1/5^{\text{th}}$ share each will go to respondent no. 2-4/defendant nos. 2-4, namely, Smt. Saroj Goswami, Smt. Sudesh Abrol and Smt. Sarla Anurangroot.

4. Since the defendant no. 2/respondent no. 2 has expired *pendent lite*, her share will devolve upon her legal heirs.

5. A preliminary decree be drawn up accordingly.

6. With respect to proceedings for drawing up a final decree, let the parties appear before the District and Sessions Judge (South District), Saket

Courts, New Delhi on 20th August, 2018 and the District and Sessions Judge will mark the suit for final decree proceedings in accordance with law to a competent court.

7. Trial court record be sent back.

8. Since the appeals are disposed of all pending applications will also stand disposed of in terms of the consent preliminary decree passed today.

VALMIKI J. MEHTA, J

JULY 19, 2018

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