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

+ **FAO(OS) Nos.432-433/2010, C.M.12276/2012**

HIMANSHU GOYAL & ANR.

..... Appellants

Through Mr.Sanjiv Bahl, Mr.Ajay Shekhar, Mr.
Pawas Aggarwal and Ms.Apoorva Bahl,
Advocates.

versus

DHRUV GOYAL & ORS

..... Respondents

Through Mr. Dayan Krishnan, Sr. Advocate with
Mr. Trideep Pais & Mr. Shivam Sharma,
Advocates.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

27.09.2018

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1. The present appeal is directed against the order dated 19.03.2010 passed by a learned Single Judge of this Court in a suit for partition. Four applications were listed for hearing filed by different parties. The subject matter of these applications was a property situated at Sunder Nagar. Learned Single Judge allowed I.A. no.2030/2009 directing the defendants to pay a sum of Rs.80,000/- per month effective from the date of application filed, to be paid to respondent no.1 herein. However, in the concluding line of this detailed order, the learned Single Judge observed as under :

“The other applications, i.e. IA 9180/2009, 2657/2009 and 8468/2009 are therefore rejected.”

2. The grievance of the appellants is that the learned Single Judge has failed to give any reason as to why the application (CM APPL 8468/2009) has been rejected. In the light of this submission, we had put it to learned senior counsel for the respondents that since there are no specific reasons

for rejection of the application filed by the appellant/defendant no.2 being IA 8468/2009 pertaining to Asaf Ali road should the matter be remanded back for fresh hearing. Learned senior counsel appearing for the respondents submits that the application pertaining to Asaf Ali road was in fact rejected for good reasons as during the pendency and prior to filing of the suit, the appellant herein had sold various properties including the joint family property, thereby valuable rights and shares of the respondent have been dealt with, without her leave, consent or permission and no account was rendered. He submits that while the application IA 8468/2009 may be remanded back before the learned Single Judge for fresh hearing, the respondents may be granted opportunity to raise all grounds as raised in the reply to the applications and also the ground raised in IA 9180/2009. Accordingly, in view of the stand taken by learned counsel for the parties, the impugned order dated 19.03.2010 as far as it relates to rejection of IA 8468/2009 is recalled. Learned Single Judge is requested to hear the application as fresh.

3. We are informed that during pendency of the suit and the present appeal, respondents no.1, 2, 3 and 4 on the other hand have arrived at an amicable settlement and all their disputes stand settled.
4. The appeal and C.M. APPL 12276/2012 stand disposed of in view of the stand taken by counsel for the parties.
5. Parties to appear before the learned Single Judge on 12.11.2018.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

SEPTEMBER 27, 2018/ck