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

+ FAO(OS)70/2018 & CM Nos.15437-15438/2018

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Date of decision : 4th July, 2018

ZAHEER AHMED & ANR

..... Appellants

**Through : Mr. Rana Praveen Siddiqui,
Adv.**

versus

SALMA BEGUM & ORS

... Respondents

**Through : Mr. M. Tarique Siddiqui and
Ms. Reetika Gupta, Advs. for
R-1
Mr. Mohinder Singh Sachdeva,
Adv. for R-3, 4 and 5**

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

JUDGMENT (ORAL)

GITA MITTAL, ACTING CHIEF JUSTICE

FAO(OS) 70/2018

1. Heard.

It is submitted by learned counsel for the respondents that the application being IA No. 64/2018 which was filed by the appellant/defendants in CS(OS) No. 234/2017 was rightly rejected for the reason that the counsel who appeared for the defendants did not

know anything about the matter. It is further submitted that the application was hopelessly vague.

2. Learned counsel for the appellant/applicant is contrite and regrets the vagueness of the application and also the submission advanced on the date of passing of the impugned order. It is further submitted that the suit for partition was at the stage of admission/denial of documents and IA No. 64/2018 was accompanied by the documents which were sought to be brought on record.

3. Clearly, the impugned order came to be passed in view of the ignorance of counsel for the applicant. Given the fact that the suit was at the stage of admission/denial of documents, no prejudice would result if the documents which have been filed alongwith the list of documents dated 18th December, 2017 by the appellants/defendant nos. 1 and 2 are taken on record and the opposite side is called upon to do admission/denial thereon.

4. In view of the above, the order dated 31st October, 2018 to the extent that it rejects IA No. 64/2018 is hereby set aside and quashed. The documents filed by the defendant nos. 1 and 2 with the list of documents dated 18th December, 2017 are taken on the record of the suit.

5. The admission/denial of the documents shall be conducted on the next date of hearing i.e. the 12th of July, 2018 before the concerned Joint Registrar (Judicial).

This appeal is allowed in the above terms.

6. We are informed that the parties are siblings and are squabbling over the estate of their father. We are of the view that the disputes between them are capable of amicable resolution by recourse to mediation. Counsels for the parties submit that their clients have no objection to exploring the possibility of a mediated settlement.

7. Parties shall appear before the Delhi High Court Mediation & Conciliation Centre on 5th July, 2018 at 2 p.m. for fixation of a date for mediation. It shall be open for the mediator to join any other party/person necessary for a holistic mediation. The parties shall be at liberty to place any other disputes between them before the mediator.

8. Settlement, if any, shall be placed before the learned Single Judge in CS(OS) No.234/2017.

CM Nos.15437-15438/2018

In view of the order passed in the appeal, these applications do not survive for adjudication and are disposed of.

ACTING CHIEF JUSTICE

C.HARI SHANKAR, J

JULY 04, 2018/kr