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

+ RFA 376/2018 and C.M. No.18311/2018(stay)

ATAM PRAKASH

..... Appellant

Through: Mr. Harpreet Singh, Advocate (M.
No.9717153109).

versus

DEVENDER KUMAR & ORS

..... Respondents

Through: Mr. Deepak Khadaria, Advocate for
respondent Nos.1 to 3(M.
No.9811057358).
Mr. Yogesh Malhotra, Advocate for
respondent No.4(M.
No.9811151411).

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

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26.09.2018

1. A limited notice was issued in this appeal on 4.5.2018 for seeking partition of the moveable properties.

2. Counsel for the respondents rightly points out that there was no need of issuing notice in this appeal in this regard because in the first para of the last page of the impugned judgment this relief has already been given whereby the movable properties of deceased Sh. Ram Rattan Mohindra have been directed to be distributed as per the succession under Section 8 of the

Hindu Succession Act, 1956.

3. Counsel for the appellant states that this aspect of seeking relief of partition of movable properties in spite of what is stated in the last page of the impugned judgment is on account of oversight and not deliberate.

4. In view of the aforesaid, this appeal is disposed of as not pressed.

C.M. No.39690/2018(for directions)

5. This application is disposed of as not pressed with liberty to the parties to urge all aspects with respect to passing of the final decree or other aspects pertaining to division of the estate in terms of the final decree, before the executing court or the trial court wherever the said issue comes up, in accordance with law.

VALMIKI J. MEHTA, J

SEPTEMBER 26, 2018

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