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

+ **CS(OS) 2254/2012**

KAVAL GULHATI

..... Plaintiff

Through: Mr. K. Sultan Singh, Sr. Adv. with
Mr. N.N. Sarvaria, Adv.

Versus

SHASHI KIRAN GULATI & ANR

..... Defendants

Through: Mr. Manish Sharma & Ms. Jigyasa
Sharma, Adv. for D-1.
Mr. Sanjay Goswami, Adv. for D-2.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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24.01.2018

1. In this suit, a) for partition of property No.140, Sunder Nagar, New Delhi by sale thereof and distribution of sale proceeds as per shares claimed; and, b) for rendition of accounts, vide order dated 11th April, 2017, a preliminary decree on consent was passed, declaring the share of the two plaintiffs viz. Kaval Gulati and Unati Foundation in the property as 41.46% with the defendant no.1 Shashi Kiran Gulati (wrongly mentioned in the memo of parties dated 11th April, 2017 as Shahi Kiran Gulati) having the remaining share in the property.

2. It was further agreed between the parties that it is not feasible to divide the property by metes and bounds and the property be sold for the highest price and the sale proceeds shared between the parties as per the respective shares declared in the preliminary decree.

3. The senior counsel for the plaintiffs and the counsel for the defendant no.1 state that the parties have applied for conversion of the leasehold rights in the land underneath the property into freehold and which is pending consideration.

4. For the aforesaid purpose, passing of the final decree for partition of the decree need not be deferred. Once the parties have already agreed to partition by sale of the property and sharing of the sale proceeds, a final decree for partition in said form is to follow.

5. Thus, a final decree for partition of property No.140, Sunder Nagar, New Delhi is passed, of sale of property and distribution of sale proceeds in terms of the shares declared in the preliminary decree for partition dated 11th April, 2017 and as also mentioned hereinabove.

6. The counsels on enquiry state that the reliefs claimed of *mesne profits* and rendition of accounts have already been given up and nothing further remains to be done in the suit.

7. The parties are left to bear their own costs.

Decree sheet be drawn up.

RAJIV SAHAI ENDLAW, J.

JANUARY 24, 2018

‘gsr’..