

\$~6

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

+ CS(OS) 2413/2007

MANOJ JAIN

..... Plaintiff

Through: Mr. Arjun Dewan, Ms. Anupama
Kumar and Ms. Rhea Goyal, Advs.

Versus

KRISHNA JAIN & ORS.

..... Defendants

Through: Mr. Arjun Mukherjee, Adv. for D-
1,4,5&6.
Mr. Vijay Gupta and Ms. Geeta Goel,
Advs. for D-2.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

31.10.2018

%

1. In this suit for partition and rendition of accounts, a final decree for partition and a decree for rendition of accounts was passed vide orders dated 16th August, 2016 and 17th August, 2016 read with order dated 5th September, 2016 and a Commissioner appointed to go into the accounts.
2. The counsel for the plaintiff, the counsel for the defendants No.1,4,5&6 and the counsel for the defendant No.2 state that the proceedings before the Commissioner are still underway and the next date in the said proceedings is 24th November, 2018.
3. It is felt that no purpose will be served in keeping this suit pending. The suit is disposed of by also passing a decree for recovery of monies/amounts in favour of whosoever may be found by the Commissioner

to be entitled thereto and against whomsoever the Commissioner may find liable therefor and with liberty to the party/ies so found liable to, in execution, if any filed of such a decree, file objections, if any to the report of the Commissioner. Similarly, whichever party is found by the Commissioner to be not entitled to the monies claimed, will also have liberty to file objections to the report.

4. The counsel for the defendant No.2 also states that till now the defendant No.2 has borne the expenses of the commission and a provision therefor be also made.

5. It is further ordered that whosoever is found liable for any monies, due to the others, by the Commissioner, shall also be liable for expenses of the commission incurred by the defendant No.2 and the defendant No.2 shall be entitled to recover the said expenses also.

6. Decree sheet be drawn up.

A copy of this order be given *dasti* under the signature of the Court Master.

RAJIV SAHAI ENDLAW, J.

OCTOBER 31, 2018

‘bs’..