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

+ RFA 692/2018 and C.M. Nos.34001/2018(stay) & 34002-03/2018(exemption).

GAURAV SAHNI

..... Appellant

Through: Mr. Shekhar Gupta, Advocate with
appellant in person(M.
No.9868790800).

versus

SUSHILA SAHNI (DECEASED) THR LRS & ORS Respondents
Through

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% **24.08.2018**

1. After arguments this appeal is disposed of as not pressed in view of the two judgments cited by the trial court for dismissing the suit holding that no HUF exists as claimed by the appellant/plaintiff. These two judgments are in the cases of ***Sunny (Minor) and Ors. Vs. Raj Singh and Ors.*** in CS(OS) No.431/2006 and ***Surender Kumar Vs. Dhani Ram and Others 227 (2016) DLT 2017.***

2. Learned counsel for the appellant/plaintiff however argues that one of the properties being the property at G-1, Rajouri Garden, New Delhi

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which fell to the share of the appellant's/plaintiff's father and who was the defendant no.2 in the suit and since defendant no.2/father/Sh. Ashok Sahni died intestate pendente lite on 28.1.2015, the appellant/plaintiff will have a share in this property of the father, however, it is noted that this is not the cause of action in the present suit and therefore liberty as prayed is granted that the appeal is disposed of as not pressed but the appellant/plaintiff can in accordance with law always file a suit and seek reliefs with respect to partition etc of the property at G-1, Rajouri Garden, New Delhi.

3. Appeal is accordingly disposed of with the aforesaid observations.

VALMIKI J. MEHTA, J

AUGUST 24, 2018

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