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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(OS) 434/2016 & IA No.10641/2016 (u/O XXXIX R-1&2 CPC)
GAUTAM GIANCHANDANI Plaintiff
Through: Mr. Jaskaran Singh, Adv. for Mr.
Brijesh Sharma, Adv.

Versus

DINESH GIANCHANDANI & ORS Defendants
Through: Mr. Mayank Mohan, Adv. for D-1to4.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **05.03.2018**

1. The counsel for the plaintiff and the counsel for all the four defendants state that the suit is ripe for framing of issues.
2. On enquiry, it is stated that the plaintiff and the four defendants are siblings and the plaintiff has filed the present suit for partition of property no.152 ad-measuring 100 sq. yards out of Khasra No.305/212 situated in the area of Villages Shakarpur Khas, Gangesh Nagar-II now known as property no.WB-204, Gali No.4, Ganesh Nagar-II, Shakarpur, Delhi belonging to the mother of the parties. It has further been informed that as per the defendants, the mother of the parties has died leaving a validly executed last Will bequeathing the property to Ankit Gianchandani and Divyank Gianchandani being the sons of defendant no.1 Dinesh Kumar Gianchandani and who have applied for Probate/Letters of Administration of the said document and which proceedings are pending before the Additional District Judge, Karkardooma Courts, Delhi.

3. The only question for adjudication in this suit also being the validity

of the Will and which is pending consideration in the proceedings aforesaid, which ought to have primacy, the need to continue this suit, in which the said Ankit Gianchandani and Divyank Gianchandani are not even parties, is not felt.

4. On enquiry, it is informed that the plaintiff has filed objections in the aforesaid Probate/Letters of Administration case.

5. The suit is disposed of with liberty to the plaintiff to, in the event of the outcome of the aforesaid Probate/Letters of Administration case being in favour of the plaintiff, apply again for partition, if so desires.

6. It is found that there is an interim order in this suit restraining the defendant no.1 from selling, alienating, transferring or parting with possession of the property.

7. On enquiry, it is stated that there is no such interim order in the Probate/Letters of Administration case.

8. It is deemed appropriate to transpose this interim order in the Probate/Letters of Administration case aforesaid. It is thus directed that during the pendency of the aforesaid Probate/Letters of Administration case, the parties shall maintain *status quo* qua title, possession and construction of the property, until the said order is varied in the Probate/Letters of Administration case.

9. Application/s for renovation, if any required to be filed, be filed in the Probate/Letters of Administration Case

RAJIV SAHAI ENDLAW, J

MARCH 05, 2018

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