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

+ RFA 970/2018 and C.M. Nos.50303/2018(exemption),
50304/2018(stay) & 50305/2018(for condonation of delay)

SUSHIL KANWAL BHAGAT & ANR

..... Appellants

Through: Mr. K. Venkataraman, Advocate with
Mr. Dinesh Kumar Chawla, Advocate
(M. No.9871277207).

versus

VINOD KANWAL BHAGAT & ORS

..... Respondents

Through

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% **03.12.2018**

1. After arguments this appeal is disposed of as not pressed for two reasons and with respect to which two aspects, liberty is granted to the appellants as stated below.

2. The first aspect is that during the final decree proceedings, appellants will seek to place reliance upon the Division Bench judgment of this Court in the case of ***Faquira Vs. Raj Rani and Ors. AIR 1984 Del 168*** that the appellants in their ripe old age should not be dispossessed from the house by selling the same and that rights of the other brothers/co-sharers can be exercised by constructing their own flats over the suit property inasmuch

as both the appellants also have one flat each on the ground floor and first floor on the suit property.

3. The second aspect is that it is argued that in case the suit property is to be sold, then, the appellants will exercise their rights of pre-emption under Section 22 of the Hindu Succession Act, 1956 in accordance with law.

4. Appeal is accordingly disposed of as not pressed but with the aforesaid liberty.

VALMIKI J. MEHTA, J

DECEMBER 03, 2018

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