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

+ RFA 1072/2017

DHEERAJ DUBEY & ORS

..... Appellants

Through: Ms. Rekha Aggarwal, Advocate.

versus

RAJ KUMARI DUBEY & ORS

..... Respondents

Through: Mr. Anjani Kumar Mishra, Advocate.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% **03.01.2018**

Caveat No.1121/2017

1. Counsel appears for the caveators. Caveat accordingly stands discharged.

+RFA No.1072/2017 and C.M. Nos.47300/2017 (stay), 47301/2017 (exemption) & 47302/2017 (for condonation of delay)

2. This appeal is disposed of as not pressed and consequently the impugned order dated 9.8.2017 of passing the preliminary decree will stand, however, liberty is given to the appellants/defendant nos.1 to 3 to amend their written statement to seek partition of another property which as per the appellants/defendant nos.1 to 3 is liable to be partitioned on account of the

RFA No.1072/2017

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same being the property of the father of the appellants and the other legal heirs of the father.

3. I may note that I am not observing one way or the other on the merits as to whether the other property bearing no.1245, Rang Mahal, Behind Novelty Cinema, S.P. Mukherjee Marg, Delhi-110006 was or was not the property of the father of the appellants/defendant nos.1 to 3 for the appellants/defendant nos.1 to 3 to claim a share therein and this aspect will be decided by the trial court in accordance with law after appellants/defendant nos.1 to 3 move an application for amendment of their written statement as regards this property bearing no.1245, Rang Mahal, Behind Novelty Cinema, S.P. Mukherjee Marg, Delhi-110006.

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

VALMIKI J. MEHTA, J

JANUARY 03, 2018

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