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

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Judgment delivered on: 22.10.2019

+ C.R.P. 110/2019

KRISHNA DEVI & ORS

..... Petitioners

versus

KRISHAN KUMAR SHARMA & ORS Respondents

Advocates who appeared in this case:

For the Petitioner: Mr. Ashok Kumar with Mr. Paramjeet, Advocates
with petitioner in person.

For the Respondent: Mr. Satish Kumar, Advocate.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner impugns order dated 16.04.2019, whereby, learned District Judge approved the proclamation of the sale of the Property No.217/2, Gali No.7, Padam Nagar, Kishanganj, Delhi.

2. A Suit for partition was filed by respondent No.1 contending that subject property was the property owned by late Smt. Mukhtiar Devi wife of late Sh. Sumer Chand Sharma. It was contended that Sh. Sumer Chand Sharma and Smt. Mukhtiar Devi had 6 children – 3 sons and 3 daughters and one son had predeceased and accordingly, the estate had devolved on the 5 children and legal heirs of the predeceased son in equal shares. Since there was no dispute to the shares of the parties, a preliminary decree was passed by the Court on 11.10.2018 holding that the five children and legal heirs of the predeceased son were entitled to 1/6th share each in the property

and since the property could not be divided by metes and bounds, the Court directed that the property be sold by way of public auction. Consequent to which, the impugned order was passed approving the proclamation of the property.

3. Learned counsel for the petitioner, under instructions from the petitioner, submits that the petitioner has no objection to the auction of the property provided the petitioner is given an opportunity to participate in the auction.

4. Learned counsel for the respondents submits that the respondents may also be permitted to participate in auction.

5. Learned counsel for the petitioner further seeks leave to withdraw the petition.

6. In view of above, petition is dismissed as withdrawn.

7. It is, however, directed that all the parties to the suit including the petitioner and the respondents would be permitted by the Trial Court to participate in the public auction directly or through their nominees/representatives.

8. Petition is disposed of in the above terms.

9. Order *Dasti* under the signatures of the Court Master.

SANJEEV SACHDEVA, J

OCTOBER 22, 2019/st