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

+ EX.P. 27/2018 & EX. APPL. (OS) 247/2018

DR. MONICA SOOD & ANR

..... Decree Holders

Through: Mr.Manoj, Ms.Aparna Sinha and
Mr.M.T. Reddy, Advocates

versus

SHRI KUNAL BOSE (DECEASED) THROUGH LEGAL
REPRESENTATIVE & ANR

..... Judgement Debtors

Through: Mr.Vikram Nandrajog and
Ms.Paavita, Advocates for JD-1
Mr.S.M. Hussain, Advocate for JD-2

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

ORDER

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07.02.2019

EX. APPL. (OS) 51/2019

1. Issue notice. Learned counsel for the decree holder accepts notice.
2. The application is allowed and the name of judgement debtor No.1 in the memo of parties is corrected and be read as Shyla Shankar @ Shaila Shankar.

EX.P. 27/2018

3. Vide judgment dated 29th September, 2018 in CS No. 51610/2016 titled *Shyla Shankar v. Anita*, the Civil Judge has declared the marriage between Kunal Bose and Anita Bose to be non-est, null and void ab-initio and has restrained Anita Bose from representing herself as the wife of late Kunal Bose and claiming any right in his estate including the suit property. Paragraph 30 of the judgment is reproduced hereunder:

“30. For the above discussed reasons, the present suit is

decreed in favour of the Plaintiff, against the defendant. The marriage dated 19.6.2002 solemnized between Mr. Kunal Bose and the Defendant Ms. Anita Bose at Mandir of C.R.Park, New Delhi, is hereby declared as non-est, null and void ab-initio; the Defendant is restrained from representing herself as the wife or the legal heir of Late Mr. Kunal Bose and also from in any manner claiming any rights in the estate left behind late Kunal Bose consequent upon his demise, including property J1930 CR Park, New Delhi and from alienating selling or creating third party rights in the same.”

4. Learned counsel for judgement debtor No.2 submits that judgement debtor No.2 has filed an appeal against the judgment dated 29th September, 2018 and this Court should await the outcome of the appeal.
5. This Court is of the view that there is no impediment to proceed on the basis of judgment dated 29th September, 2018. However, judgement debtor No.2 is at liberty to avail appropriate legal remedies against judgement debtor No.1 in the event of her succeeding in the appeal against the judgment dated 29th September, 2018.
6. Para 6 of the order dated 10th August, 2018 is modified in terms of the aforesaid judgment dated 29th September, 2018. The decree holders and judgement debtor are permitted to sell the suit property subject to the condition that the purchaser shall pay 1/3rd sale consideration to decree holder No.1, 1/3rd sale consideration to decree holder No.2 and 1/3rd sale consideration to judgement debtor No.1.
7. The receiver appointed by this Court on 12th February, 2015 is directed to handover the possession of the suit property to purchaser upon the completion of the sale.
8. Learned counsel for the decree holders and judgement debtor No.1 submits that the receiver be directed to give the inspection of the suit property to the officials of L&DO as the parties have applied for conversion of the suit property from lease hold to free hold. The receiver is directed to

give the inspection of the suit property upon receiving the intimation from the parties.

9. The execution petition is disposed of in the above terms.
10. Pending applications are disposed of.
11. Copy of this order be given *dasti* to counsels for the parties under signatures of the Court Master.

J.R. MIDHA, J.

FEBRUARY 07, 2019

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