

\$~11

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(OS) 566/2016 & IA No.13726/2016 (u/O XXXIX R-1&2 CPC)
SUKH SAGAR SAHNI & ORS Plaintiffs

Through: Mr. Ashok Popli, Adv.

Versus

SALIL SAGAR SAHNI Defendant

Through: Ms. Anjali Sharma, Mr. Deepak Bashta
and Mr. Abhimanyu Gupta, Advs.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **16.01.2019**

1. This order is in continuation of the earlier order dated 7th January, 2019.
2. The plaintiffs have since filed the certified copy of the Will referred to in the order dated 7th January, 2019 and a reading thereof re-enforces what is recorded in the order dated 7th January, 2019. Different portions/floors of the property, under the Will have been bequeathed to the parties.
3. The counsel for the plaintiffs also agrees but states that in mediation underway, the modalities for carving out separate entries/passages for separate portions of the plaintiffs are being explored.
4. However that is not the relief claimed in the present suit.
5. It is thus not deemed appropriate to keep the suit pending as is the want of the plaintiffs.
6. The suit is thus dismissed as not maintainable on the averments and contentions of the plaintiffs themselves.
7. The same will however not affect the mediation proceedings stated to be underway and which will be taken to their logical conclusion.

RAJIV SAHAI ENDLAW, J.

JANUARY 16, 2019/‘bs’..