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

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Date of Judgment: 10th April, 2019

+ **RFA(OS) 87/2018**

VIKAS JAIN

..... Appellant

Through: Mr. A. Animesh Thakur, Advocate
with appellant in person.

versus

BRIJWASI INFRATECH PVT LTD

..... Respondent

Through: Ms. Shalini Kapoor and Mr. Dikshant
Khanna, Advocates.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE JYOTI SINGH

G.S. SISTANI, J. (ORAL)

RFA(OS) 87/2018 and C.M. Appl. No. 51741/2018

1. Challenge in this appeal is to the order dated 31st October, 2018 passed by a learned Single Judge of this Court on an application filed by the appellant/defendant under Section 4 of the Partition Act. The learned Single Judge has reached to a conclusion that Section 4 of the Partition Act would not apply as the property in question is not a dwelling unit.

2. After some hearing in the matter, learned counsel for the appellant submits that the appellant will approach the single Judge as he has already filed a valuation report and he wishes to buy the share of the respondent at the market price. Ms. Kapoor submits that in case the market price is offered, the respondent will have no objection to sell their share in the property to the appellant herein.

3. Heard. Having regard to the submission made by counsel for the appellant the appeal is dismissed as not pressed.

4. It would be open for the appellant to approach the Single Judge and make such proposal which may be considered by the Single Judge in accordance with law.

5. The appeal is not pressed and disposed of in the above terms.

G.S.SISTANI, J

JYOTI SINGH, J

APRIL 10, 2019

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