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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 495/2016, IA No.11916/2016(u/O.XXXIX R.1&2 CPC)**
MADHU JINDAL Plaintiff

Through: Mr.Anil Kr. Aggarwal &
Prof. Madan Mohan, Advs.

versus

RAM NIWAS JINDAL & ORS Defendants
Through: Mr.Pueet Bajaj, Adv. for D-1&2 with
Defendant no.1 in person.
Mr. S.M.Gupta, Adv. for D-3.

CORAM:
HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER
% **28.02.2020**

1. This order is in pursuance to the order dated 12th February, 2020 passing a preliminary decree for partition with respect to the property No.B-1, Bhagwan Dass Nagar, East Punjabi Bagh, New Delhi.
2. The counsel for the plaintiff states that he has been unable to interact with his client and seeks adjournment.
3. The counsel for the defendants no. 1 and 2 states that no meeting took place after the order dated 12th February, 2020 and thus there is no amicable proposal for division of the property by metes and bounds and the defendants no.1 and 2 are also agreeable to a final decree for partition of sale of the property.
4. The request of the counsel for the plaintiff for adjournment, when the order dated 12th February, 2020 is clear, is dilatory and is declined.

5. A final decree for partition of property no.B-1, Bhagwan Dass Nagar, East Punjabi Bagh, New Delhi is passed, of sale of the property and of distribution of sale proceeds as per the shares declared in the preliminary decree for partition dated 12th February, 2020.
6. However before the property is sold to outsiders, the parties shall be entitled to make *inter se* bids, with the party/ies bidding the highest acquiring the share of other/s against payment of consideration of the share of such other/s and execution of documents and delivery of possession by such other/s.
7. If any of the parties in possession of the property, in pursuance to the sale or *inter se* bid fails to vacate the portion of the property in his/her occupation, such party shall be liable to be dispossessed therefrom as if in pursuance to a decree for recovery of possession of immovable property.
8. The parties are left to bear their own costs.
9. Final decree for partition be drawn up.

RAJIV SAHAI ENDLAW, J

FEBRUARY 28, 2020

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