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

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Date of decision: 26.09.2022

+ RFA(OS) 21/2022

VIKAS GUPTA

..... Appellant

Through: Mr.Ashish Aggarwal & Mr.Jaisal
Baath, Adv.

versus

SANJIV GUPTA

..... Respondent

Through: Mr.Sumit Bansal & Mr.Manan
Aggarwal, Adv.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT
HON'BLE MR. JUSTICE SAURABH BANERJEE

J U D G M E N T (oral)

CM APPL. 42440-42441/2022 (exemption)

1. Allowed, subject to just exceptions.
2. The applications are accordingly disposed of.

RFA(OS) 21/2022 & CM APPL. 42439/2022

3. Present appeal has been filed against the order/preliminary decree dated 18.08.2022 passed by learned Single Judge to the limited extent that the learned Single Judge has not directed the Local Commissioner to get the property mutated and get the same converted from Leasehold to Freehold and further provides that the role of the collector to separate portions only



subsequent to the passing of the final decree.

4. During the course of hearing, learned counsel appearing on behalf of the parties jointly state that if the Local Commissioner is additionally directed to get the suit property mutated in the name of appellant- Vikas Gupta and respondent No.1-Sanjiv Gupta and thereafter, get the same converted from lease hold to free hold, nothing would survive in the present appeal.

5. Accordingly, in furtherance of impugned order dated 18.08.2022, we hereby direct the Local Commissioner to get the suit property mutated in the name of the parties and thereafter get the same converted from Leasehold to Freehold in compliance of order passed by the learned Single Judge.

6. Since additional work has been assigned to the Local Commissioner, therefore, we hereby enhance the fee from Rs.1,00,000/- to Rs.2,00,000/-, which shall be equally borne by all parties. The rest of the terms of payment will remain same as in the order/ preliminary decree dated 18.08.2022 passed by the learned Single Judge.

7. In view of above directions, present appeal as well as pending application stand disposed of.

(SURESH KUMAR KAIT)
JUDGE

(SAURABH BANERJEE)
JUDGE

SEPTEMBER 26, 2022/ab