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

% Judgment delivered on: 13.01.2023

+ CM(M) 746/2018 & CM APPL. 26842/2018

PROMILA SUD & ORS Petitioners

versus

NAVEEN ANAND & ANR. Respondents

Advocates who appeared in this case:

For the Petitioners : Mr. Rajiv Bahl and Mr. S.P. Srivastava,
Advocates.

For the Respondents : Mr. Sonali Malhotra, Advocate

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

JUDGMENT

TUSHAR RAO GEDELA, J. (ORAL)

[The proceeding has been conducted through Hybrid mode]

1. Ms. Malhotra, learned counsel appears for the respondents and submits that the concession to frame the additional issues are on instructions of her client for the reason that immense delay has occurred in disposal of the suit.

2. Mr. Bahl, learned counsel appearing for the petitioner vehemently objects to the same.

3. With consent of the parties and without prejudice to the rights and contentions and objections of both the parties, the following additional issues are framed:-

- (i) Whether the suit is barred by time? OPD
- (ii) Whether the defendants have right of pre-emption under

Section 4 of the Partition Act, 1893 read with Section 22 of the Hindu Succession Act, 1956? OPD

4. In view of the aforesaid, no other issue arises nor expressed by the parties.
5. Learned Trial Court to take up these additional issues and additional affidavits, if required, may be called for, by the learned Trial Court, and then proceed in accordance with law.
6. In view of the aforesaid directions, the petition is disposed of with no orders as to costs.

TUSHAR RAO GEDELA, J .

JANUARY 13, 2023/nd

