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

+ **CS(OS) 71/2024 & I.A.2116/2024**

MS SUNITA SHIVDASANI

..... Plaintiff

Through: Mr. Rama Shankar, Ms. Shobha Shukla and Mohd Haris Taslim Advs. (M. 8860171131) with Plaintiff in person.

versus

**SH ISHWAR FATEHCHAND
GANGARAMANI & ORS.**

..... Defendants

Through: None.

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

% **05.03.2024**

1. This hearing has been done through hybrid mode.
2. The Plaintiff - Ms. Sunita Shivdasani, the daughter of Late Shri K.D. Shivdasani, has filed the present suit seeking to protect the interests of her deceased sister's daughter *i.e.*, her niece, who is currently residing with Shri Ishwar Fatehchand Gangaramani – the husband of the deceased sister and the child's father.
3. The Plaintiff and the Defendant No.2-Geeta Gidwani are real sisters and the Defendant No.1 is the husband of Late Smt. Pooja Gangaramani. In the present suit, the property in question is '***D-159, New Rajender Nagar, New Delhi***'.
4. According to the Plaintiff, following their father's demise, all three sisters were entitled to 1/3rd share of the suit property. However, insofar as the property bearing No. '***D-158, New Rajender Nagar, New Delhi***' is



concerned, the Plaintiff already holds absolute rights in the said property.

5. Insofar as the suit property is concerned, it is the Plaintiff's case that the share of the minor-niece, upon the demise of her sister, was sold at a throwaway price by Defendant Nos.1 & 2 allegedly in collusion with each other. Hence, she challenges the sale deed dated 28th July, 2023, executed in favour of the Defendant Nos.3 & 4, who are contractors/developers.

6. On the last date of hearing *i.e.*, on 30th January, 2024, when the matter was listed, the Court had put a query to Mr. Rama Shankar, Id. Counsel for the Plaintiff as to whether the suit would be maintainable. The said directions of the Court read as under:

“9. Heard. The Court posed a query to Id. Sr. Counsel Mr. Ramashankar for the Plaintiff, as to how, when the father of the niece, the natural guardian, is alive the present suit would be maintainable at the behest of the Maasi. Id. counsel for the Plaintiff seeks an adjournment to satisfy the Court in this regard.”

7. The matter has been listed today. After some hearing, Id. Counsel for the Plaintiff wishes to withdraw the present suit.

8. Accordingly, the suit is dismissed as withdrawn. All pending applications are also disposed of.

9. Considering the nature of the matter, the court fee is directed to be refunded to the Plaintiff.

PRATHIBA M. SINGH, J.

MARCH 5, 2024/dk /ks