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

+ **CS(OS) 116/2019 & CRL.M.A. 20751/2023, I.A. 12270/2023**

MR. OM DUTT SHARMA Plaintiff

Through: Mr. Dhruv Mohan & Mr. Madhu
Vishnoi, Advocates.

versus

SMT. RENU TREHAN & ANR. Defendants

Through: Ms. Jyoti Nambiar, Advocate for D-1.
Mr. Sanjeev Mahajan, Mr. D. Mohan,
Ms. Sarika V. Mahajan, Mr. Rishabh
Varshney & Mr. Pranjal Tandon,
Advocates.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

20.02.2024

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1. The perusal of the record shows that the Preliminary Decree in the present Suit has already been passed *vide* Order dated 07.08.2023 and the report of the Local Commissioner has been received, wherein it is stated the suit property cannot be divided by metes and bounds.
2. Accordingly, the final Decree is hereby passed.
3. Learned counsel on behalf of the defendant No. 1 has opposed the passing of the final Decree on the ground that an Appeal bearing No. RFA(OS) 21/2023 and CM 58400/2023 titled Renu Trehan Deceased Through Legal Heir vs. Mr. Om Dutt Sharma & Anr. filed on behalf of the defendant No. 1/appellant are pending. However, the Division Bench *vide* Order dated 19.01.2024 has observed that the Single Judge would be at



liberty to proceed with the Suit as deemed fit.

4. Considering that the Preliminary Decree has been passed and the report of the Local Commissioner has been received, the only step which remains is to pass a final Decree.

5. In the light of the report of the Local Commissioner, the suit property cannot be divided by metes and bounds.

6. Accordingly, it is hereby directed that the suit property be sold and the sale proceeds be shared equally in the ratio as determined in the Preliminary Decree dated 07.08.2023.

7. The Decree Sheet be prepared accordingly.

8. The pending applications stand disposed of.

9. The parties are at liberty to participate in the bid for auction of the suit property.

NEENA BANSAL KRISHNA, J

FEBRUARY 20, 2024

S.Sharma