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

+ **RFA(OS) 15/2024**

MR TANUJ AGARWAL

..... Appellant

Through: Mr K C Mittal with Mr Sachin
Midha, Mr Yugansh Mittal, Mr
Kumar Kartikey and Mr Keshav
Doonja, Advs.

versus

MR AMIT AGARWAL

..... Respondent

Through: Mr Akshay Makhija, Sr Adv. with Mr
Aaditya Vijaykumar, Ms Navya
Nanda and Mr Naman Garg, Advs.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

02.05.2024

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[Physical Hearing/Hybrid Hearing (as per request)]

CM Appl.25670-71/2024

1. Allowed, subject to just exceptions.

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2. This appeal is directed against the judgment and preliminary decree dated 29.02.2024.

3. Mr K C Mittal, counsel who appears on behalf of the appellant, says that one of the grounds on which the decree of partition was passed by the learned Single Judge is that no challenge was laid to the subject sale deed.

4. We are informed by Mr Mittal that a substantive suit [i.e. CS(OS) 339/2024] has been lodged *vis.-a-vis.* subject sale deed, which is likely to be

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listed on 07.05.2024.

5. Given this position, Mr Mittal says that the appellant would move an application for review/recall of the impugned judgment, along with the preliminary decree, and therefore, seeks liberty in that behalf.

6. The appeal is dismissed as withdrawn with liberty as prayed for, *albeit* in accordance with law.

7. Needless to add, incase such an application is moved, the learned Single Judge will hear the respondent at an appropriate stage.

8. Consequently, CM Appl.25704/2024 shall stand closed.

RAJIV SHAKDHER, J

AMIT BANSAL, J

MAY 2, 2024/pmc

[Click here to check corrigendum, if any](#)

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