



\$~8.

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

+ **CS(OS) 786/2005**

JAGDISH KUMAR

..... Plaintiff

Through: Mr. Naveen Kumar Raheja, Mr. Vimal Dubey & Mr. Anant Vijay Singh, Advocates.

versus

VINOD KUMAR AND ORS.

..... Defendant

Through: Ms. Sonam Anand, Advocate for defendants No.1 & 2.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

25.01.2024

%

1. A preliminary decree was passed on 26.11.2018. It was observed in the Order that the plaintiff shall be entitled to 1/5th share and the defendants No.1 and 2 shall be entitled to 4/5th share in the property No.3 and 3-C, Kilokri, Ring Road, Maharani Bagh, New Delhi and C-4-103/2, M.I.G., Safdarjung Development Area, New Delhi.

2. It was also observed that the parties had agreed to dispose of the two properties and the amount so realized to be distributed in accordance with their respective share.

3. Furthermore, it was also observed that the parties had agreed that defendants No.1 and 2 shall pay a sum of Rs.30,000/- to the plaintiff per month till such time the properties are sold or till next six months, whichever is earlier.



4. Learned counsel for the defendants submits that endeavours are being made since the date of order and there is a likelihood of at least one property being sold in the near future.
5. It is also submitted that the defendants in accordance with their Agreement, have been regularly paying Rs.30,000/- to the plaintiff.
6. Learned counsel for the plaintiff has clarified that the plaintiff Mr.Jagdish Kumar has died. Now, the cheques which were earlier being given in the account of Mr. Jagdish Kumar, be given in the account of Mrs.Rama Rajput, widow of the deceased plaintiff. Learned counsel for the defendants submits that henceforth money shall be transferred to the account, the details of which be furnished on behalf of the plaintiffs.
7. Considering that the parties have agreed to sell the two properties and share the sale proceeds in accordance with their respective share, nothing further needs to be determined in the present suit. It necessarily follows that suit properties cannot be and are not to be divided by metes & bounds. A final decree is passed in terms thereof.
8. It is further directed that the defendants shall continue to pay the agreed amount of Rs.30,000/- till the sale of the properties in terms of the Order dated 26.09.2019.
9. Decree sheet be drawn accordingly.

NEENA BANSAL KRISHNA, J

JANUARY 25, 2024

B.S. Rohella