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

\+ RFA(OS) 63/2024

GURMEET KAUR & ORS. .....Appellant

Through: Mr.O.P Aggarwal with Mr.Ashish Aggarwal, Advs.

versus

PARAMJIT SINGH & ORS. .....Respondent

Through: Ms.Kritika Gupta, Adv for R-1-4.

CORAM:
HON'BLE MS. JUSTICE REKHA PALLI
HON'BLE MR. JUSTICE SAURABH BANERJEE

O R D E R

% 12.12.2024

CM APPL.73008/2024

1. This is an application filed by the respondent no. 1 seeking directions to the appellants to deposit the original conveyance deed of Plot no. 72, Vigyan Vihar, Delhi with this Court so that the suit property can be sold to the proposed buyer for a sale consideration of Rs.4 crores.
2. Learned counsel for the respondent no. 1 submits that the said respondent has now been able to identify a buyer, who is willing to buy the suit property at Rs.4 crores as against the amount of Rs.6 crores, which the respondent no.1 had earlier proposed.
3. Learned counsel for the appellants submits that the proposed valuation of Rs.4 crores is not acceptable to the appellants and therefore, prays that the suit property be directed to be sold under orders of this Court.

4. In light of this stand taken by the parties, when the parties are not agreeable for the private sale of the suit property to the buyer proposed by the respondent no.1, we find no reason to direct the appellants to deposit of original conveyance deed of the suit property before this Court. The application is, accordingly, disposed of by taking up the appeal for preliminary consideration.

RFA(OS) 63/2024 & CM APPL. 66355/2024 –Stay., CM APPL. 66356/2024 –Ex., CM APPL. 66357/2024 –Ex. (TCR)., CM APPL. 66358/2024 –Calling of TCR., CM APPL. 66359/2024 –Delay 48 days., CM APPL. 66360/2024 –Delay 10 days (RF).

5. The present appeal under Section 96 of the Code of Civil Procedure seeks to assail the order dated 11.07.2024 passed by the learned Single Judge in CS(OS) 44/2022. Vide the impugned order, the learned Single Judge has allowed the application preferred by the respondent no.1/plaintiff under Order XII Rule 6 CPC by issuing the following directions:-

> *"19. Accordingly, a final decree of partition of property no. 72, Vigyan Vihar, Delhi-110092 is also passed, of sale thereof and of distribution of sale proceeds between the parties as per their respective shares in the preliminary decree for partition.*
> *19.1. In this case, the plaintiff has already proposed the market valuation of the subject property as Rs. 6 Crores and has offered to sell his share to the defendant nos. 1 to 4 at the aforesaid price. The plaintiff has also agreed to purchase the shares of defendant nos. 1 to 7 at the said price. Since, defendant nos. 1 to 4 are in possession of the suit property they are hereby given the first option to exercise the right to purchase the plaintiff's and defendant nos. 5 to 7's*

share at the aforesaid valuation. The said option would have to be exercised by defendant nos. 1 to 4 within three (3) weeks (i.e. on or before 01.08.2024) from today by issuing a written notice to the plaintiff and defendant nos. 5 to 7.

19.2. In case, defendant nos. 1 to 4 fail to exercise the said option to buy then within next two (2) weeks, plaintiff will be entitled to buy the share of defendant nos. 1 to 7 on the basis of the valuation of Rs. 6 crores. However, this option to buy the shares of defendant nos. 1 to 7 will have to be exercised by the plaintiff between 02.08.2024 and 16.08.2024 by issuing a written notice to the defendant nos. 1 to 7.

19.3. At this stage, if defendant nos. 1 to 4 are able to find a buyer who is willing to pay a market valuation which is higher than Rs. 6 crores to the parties herein, the offer of such a buyer will be communicated to the plaintiff and defendant nos. 5 to 7. This higher offer will be communicated on or before 31.08.2024.

19.4. In the aforesaid manner, it will be open to the parties to make inter se bids with respect to the subject property, with the party bidding the highest acquiring the share/s of the other/s against payment of consideration thereof as per the bid and execution of requisite documents. This process of inter se bidding will be completed on or before 31.08.2024, failing which either party may approach the Court for sale of the subject property through public auction

19.5. In case, defendant nos. 1, 2 and 4 sell out their shares, since they are in possession of the subject property, they shall deliver vacant peaceful possession of the subject property to the purchaser or the highest bidder, as the case may be and if the said defendants or any one of them fails to handover possession, they will be liable to be dispossessed there from as if in pursuance to a decree for recovery of possession of immovable property."

6. After arguing the matter at some length, learned counsel for the

appellants submits that the appellants are agreeable to a partition of the suit property as directed under the impugned order. We may at the cost of repetition note that neither the appellants nor the respondents are not ready to buy the shares of each other by taking the value of the suit property at Rs.6 crores, as had been earlier proposed by the respondent no.1.

7. In these circumstances, once the appellants themselves admit that the suit property is required to be partitioned, we find no reason to interfere with the directions issued by the learned Single Judge providing for the manner of partition of the suit property, for which purpose both sides have been granted liberty to file appropriate applications before the learned Single Judge.

8. The appeal alongwith all accompanying applications is accordingly dismissed.

REKHA PALLI, J

SAURABH BANERJEE, J

DECEMBER 12, 2024
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