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

+ C.R.P. 124/2019

NEELKANTH PROMOTERS PVT LTDPetitioner
Through: Mr. Sunil Goel, Mr.
Himanshu Goel, Mr.
Dimple Aggarwal and Ms.
Varsha, Advocates.

versus

PRAVEEN & ORSRespondents
Through: Mr. Janmejy Pratap
Singh, Advocates for R-1
to R-5.
Mr. Vibhas Kumar Jha,
Advocate for R-6.

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER
24.01.2025

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1. By way of this petition, the petitioner challenges the order dated 27.10.2018, passed by the learned Additional District Judge, in CS No. 567/2016, whereby the objection raised by the petitioner on the maintainability of the suit was not decided and it was observed that the same would be decided at the time of final arguments after the evidence is led.
2. The learned counsel for the petitioner submits that the suit was initially filed before this Court and was transferred after enhancement of the pecuniary jurisdiction.
3. He submits that the suit was filed by the plaintiffs against the petitioner, who had purchased the suit premises from the father of the plaintiffs (Defendant no. 2), praying for a decree that the Sale Deed executed by the father of the plaintiffs be declared as null and void.



4. He submits that the plaintiffs had claimed that they are entitled to a share in the property. He submits that even as per the case of the plaintiffs, the suit property was originally inherited by the plaintiff's father being a class-I legal heir.

5. He submits that this Court *vide* order dated 17.09.2015 had enquired from the counsel for the plaintiffs as to how the suit will be maintainable when the father of the plaintiffs, who is a class I heir, is alive.

6. Much water has flown since the filing of the present petition. No interim order was passed in favour of the petitioner and the proceedings in the suit have since proceeded.

7. It is also pointed out by the learned counsel for the respondents that the matter is listed before the learned Trial Court for final arguments.

8. In view of the above, this Court does not consider it apposite to entertain the present petition at this stage. Petitioner is at liberty to address all arguments including the issues as raised in the impugned order, at the time of final arguments. The learned Trial Court is directed to pass final order after hearing the parties without being influenced by the observations made in the impugned order.

9. The present petition is disposed of with the aforesaid directions.

AMIT MAHAJAN, J

JANUARY 24, 2025
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