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* IN THE HIGH COURT OF DELHI AT NEW DELHI

I.A. 9409/2024

IN

+ CS(OS) 767/2022

VIRENDER MOHAN KHANNA & ANR.

.....Plaintiffs

Through: Mr. Shubham Saigal, Mr. Siddharth Jain, Ms. Rashi Rampal and Ms. Shruti P. Mishra, Advocates.

versus

MOHINDER MOHAN KHANNA & ORS.

.....Defendants

Through: Mr. Saurabh Dev Karan Singh, Mr. Darshan Sejwal and Mr. Dipesh Yadav, Advocates for D-1 to D-3.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

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14.11.2025

1. The subject matter of the present suit is an immovable property, i.e. a residential house bearing no. C-57, South Extension, Block - II, New Delhi-110049 (hereinafter 'suit property').
2. In the order passed by this Court on 8th April 2025, a consent order was passed, the relevant extracts from which are reproduced below:

"3. Parties jointly agree that there is no dispute that Plaintiff Nos. 1 and 2 together have 1/6th share each in the suit property. So also, there is no dispute that Defendant Nos. 1, 2 and 3 independently have 1/6th share each in the suit property. The dispute has arisen between the parties, only with respect to the 1/6 share of late Sh. Surendar Mohan Khanna, who passed away on 26.03.2018.

4. Defendant No. 1 claims that the 1/6th share of late Sh. Surendar Mohan Khanna has devolved upon him by virtue of Will dated



18.12.2010. So also, Plaintiff No. 2 has a rival contention that the 1/6th share of late Sh. Surendar Mohan Khanna has devolved upon Plaintiff No. 2 and defendant no. 3 jointly by virtue of Will dated 27.07.1997 read with Codicil dated 27.06.2006.”

3. Accordingly, a Local Commissioner was appointed for the sale of the suit property in terms of the aforesaid order.
4. Counsel for the parties submit that pursuant to the aforesaid order, the suit property has been sold and the respective shares of the parties from the sale proceeds have been paid to the parties to the suit.
5. The 1/6th share belonging to the deceased sibling of the parties, Late Shri Surender Mohan Khanna, has been deposited in Court. The estate of the Late Sh. Surender Mohan Khanna is the subject matter of TEST.CAS.37/2022.
6. With the consent of the parties, it is directed that the amount so deposited towards the 1/6th share falling to the share of Late Shri Surender Mohan Khanna shall stand transferred to the file of TEST. CAS. 37/2022, which is pending before this Court. The said amount shall be released as per the orders passed in TEST. CAS. 37/2022.
7. Accordingly, the Registry is directed to transfer the amount so deposited before this Court in the present suit to the TEST.CAS.37/2022.
8. In view of the sale of the suit property, a final decree of partition is passed.
9. Let the decree sheet be drawn up, with this order forming part of the final decree for partition.

AMIT BANSAL, J

NOVEMBER 14, 2025

Vivek/-