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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 1900/2015 and CCP(O) 66/2019, 77/2019, 56/2020,**
I.As.1925/2019, 2480/2019, 8708/2019, 17155/2019, 17156/2019,
3629/2020, 3631/2020, 12425/2020, 1241/2021, 1242/2021,
1899/2021, 1900/2021, 16526/2022

MANIKA MADAN

..... Plaintiff

Through: Ms. Payal Jain, Advocate (M-9868045019)

versus

MAMTA NAGPAL & ANR

..... Defendants

Through: Mr. Vikram Singh Dahiya, Adv. for
D-1 (M- 9868285491)
Mr. Nivesh Sharma, Mr. Aditya
Mishra and Ms.Ritu Singh, Adv. for
D-2 (M- 9899979242)

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

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09.04.2024

1. This hearing has been done through hybrid mode.

I.A. 1900/2021 (for delay)

2. This is an application seeking condonation of delay in refiling the application. For the reasons stated in the application, delay is condoned. Application is disposed of.

I.A. 16526/2022

3. This is an application seeking release of the original registered agreement to sell of property bearing no. Cottage No. 6, Third Floor with roof rights, West Patel Nagar, New Delhi — 110008. In respect of this, the final decree was passed on 7th September, 2022 by which the share of the parties has been declared as under:



“13. Accordingly, a final decree of partition is passed in respect of the built up Third Floor with terrace roof rights out of the half undivided share of Cottage property no.6 with proportionate land underneath measuring 159.5 sq yds. situated in the abadi of West Patel Nagar, New Delhi-110008, by sale of the suit property and distribution of the sale proceeds between the parties as per their shares declared in the preliminary decree for partition dated 12th October, 2017. It is further ordered that the parties shall have the option of making inter se bids for purchase of each others' share in respect of the suit property. The party bidding the highest would be entitled to acquire the share of the other party by making payment of the value of the share of the other party against execution of transfer deed.

14. Decree sheet be drawn up accordingly.”

4. The Plaintiff seeks release of the sale deed in order to be able to fetch a buyer.
5. As per the above order, it is seen that parties can make their inter-se bid, failing which, they would have to find a third party buyer. In order to enable the sale of the property, all parties would have the right to explore the possibility of a buyer. Accordingly, instead of releasing the original title document, it is deemed appropriate to direct that all parties would be entitled to get certified copies of the same from the Court and upon identifying a buyer before the Mediator, the original title documents can be released as per the settlement which may be agreed between the parties.
6. The application is disposed of in these terms.



CS(OS) 1900/2015 and CCP(O) 66/2019, 77/2019, 56/2020, 1925/2019, 2480/2019, 8708/2019, 17155/2019, 17156/2019, 3629/2020, 3631/2020, 12425/2020, 1241/2021, 1242/2021, 1899/2021

7. The matter is pending before Mediation on 4th May, 2024. Mr. Dahiya, Id. Counsel for Defendant No.1 requests for an adjournment to argue all the applications.

8. Vide order dated 24th January, 2024, the Court had directed the Defendant No. 1 to comply with the order dated 20th October, 2023 and pay his share of property tax to Defendant No.2.

9. Today, the property tax share in terms of the previous orders is stated to have been paid. The receipt for the deposit of the property tax be given to counsel for Defendant No.1. Further details of computation, etc. can be obtained from the concerned department.

10. If Defendant No.2 has any details in respect of the computation, the same be provided within two weeks to the Id. Counsel for the Plaintiff and Defendant No.1.

11. List before the Court on 2nd August, 2024.

PRATHIBA M. SINGH, J

APRIL 9, 2024

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