



\$~56

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

+ **CM APPL. 71211/2024 & CM APPL. 71210/2024 in**
RFA 78/2024

JAGJEET KAUR

.....Appellant

Through: Mr. Raghavender Mohan Bajaj,
Advocate

versus

PATVINDER KAUR

.....Respondent

Through: None

CORAM:

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

% **05.12.2024**

[Physical Hearing/Hybrid Hearing (as per request)]

CM APPL. 71211/2024 (exemption)

1. Allowed, subject to all just exceptions.

CM APPL. 71210/2024 (stay)

2. The appellant has assailed judgment and preliminary decree of partition of immovable property, allegedly jointly owned by the appellant and the respondent. The appellant is the mother in law of the respondent. The impugned judgment and decree was passed by the learned Trial Court without conducting trial on rival pleadings. The appellant in her written statement specifically pleaded that the entire sale consideration was paid by her, though she incorporated name of the respondent as joint owner only on the basis of affection as the respondent has been taking care of mentally ill son of the appellant.



3. It is further informed by learned counsel for appellant that subsequent to the preliminary decree, the learned Trial Court has proceeded with passing the final decree, which also has been challenged by way of RFA 77/2024 which is now listed on 08.01.2025.

4. Keeping in mind these circumstances, *prima facie* operation of the impugned judgment and decree ought to be stayed, but since respondent is already being represented through counsel in this appeal, it would be appropriate to issue notice of this application. It is informed by learned counsel for appellant that execution proceedings are listed on 03.01.2025.

5. Subject to appellant taking steps during the course of the day, *dasti* notice of the application be issued to counsel for respondent returnable on 18.12.2024.

GIRISH KATHPALIA, J

DECEMBER 5, 2024/as

[Click here to check corrigendum, if any](#)