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

+ **RFA 154/2025**

MUKESH KUMAR

.....Appellant

Through: Mr. Barun Kumar Sinha, Advocate
with Mr. Sneh Vardhan, Advocate.

versus

SAMINDARI DEVI (DECEASED) THR LRS & ORS.

.....Respondents

Through: None

CORAM:

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

% **17.02.2025**

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

CM APPL. 9623/2025 (exemption)

1. Allowed, subject to all just exceptions.

RFA 154/2025 & CM APPL. 9622/2025 (stay)

2. The appellant has assailed final judgment and decree of partition. It appears that the preliminary decree was challenged by the appellant vide RFA 960/2018, which was disposed of as not pressed, granting liberty to the appellant to apply for his rights of pre-emption in the final decree proceedings in accordance with Section 22 of the Hindu Succession Act. By way of the impugned judgment and decree, the learned Trial Court directed sale of the subject property through court auction and distribution of its proceeds amongst co-sharers. Further, it appears from the impugned order that the respondents/plaintiffs were ready to pay higher price, which is



above the valuation report, whereas the value offered by the appellant was about 1/3rd of the amount offered by the respondents. It is contended by learned counsel for appellant that the respondents were never serious in their offer and the Trial Court ought to have first directed the respondents to deposit the offered amount in Court. It is categorically stated on behalf of appellant that appellant is agreeable to accept the amount offered by the respondents, if the said amount is three times of the amount offered by the appellant, so that a stranger be not introduced into the subject property.

3. In view of above circumstances, *dasti* notice of this appeal be issued to respondents on the appellant taking steps during the course of the day, returnable on 04.03.2025.

GIRISH KATHPALIA, J

FEBRUARY 17, 2025/tp

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