



\$~4(OS)

* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CS(OS) 185/2021 & I.As. 38993/2024, 38994/2024

MASTER ARMAAN GULATI (MINOR) & ANR.Plaintiffs

Through: Mr. R.Y. Kalia, Adv. (M:
9717490094)

versus

GEETA GULATI, ALIAS SWARAN KANTA
& ORS.

.....Defendants

Through: Mr. Nipun Katyal, Mr Manan Mitra
and Mr. Nischay, Advocates for D-1 to
D-3.

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

% **27.09.2024**

1. This hearing has been done through hybrid mode.

I.As. 38993/2024, 38994/2024 in CS(OS) 185/2021

2. The present suit is filed by the Plaintiffs seeking partition, injunction and declaration against the Defendants with respect to the Will dated 26th June, 2010 as null and void as also restraining them from creating any third party rights in the property. The present dispute is between the family members of Late Surendra Gulati who was the husband of Defendant No. 1, father of Defendant No. 2, father in law of the Plaintiff No. 2 and grandfather of Plaintiff No. 1. The Plaintiff No.1 in the present case is a minor. A preliminary decree in this matter was passed vide order dated 3rd April, 2024.

3. The submission in the present applications is that in the preliminary decree passed vide the said order ought not have included the Kasauli property i.e., 'Land Measuring 1 Bigha 17 Biswasa bearing Khata No. 2125/ 1768



situated at Muza Kasauli Pargana Basal Tehsil Kasauli District Solan Himachal Pradesh was purchased in the name of Defendant No.1 in a fiduciary capacity for the benefit of the family and the sale consideration was contributed/ paid by Late Surendra Gulati from the Firm "Ad Spots" in the list of immovable properties in the order dated 3rd April, 2024.

4. The submission on behalf of the Applicants is that the Kasauli property was sold much prior to the passing of the preliminary decree.

5. This position is disputed by the Plaintiff. According to Id. Counsel for the Plaintiff, the Kasauli property continues to exist in the name of Mrs. Geeta Gulati @ Swaran Kanta.

6. In effect, therefore, the Kasauli property is sought to be deleted from the preliminary decree.

7. The said issue requires consideration of all the facts relating to the Kasauli property and for the Court to pass appropriate orders. On the date when the preliminary decree was passed, i.e., 3rd April, 2024, the Defendants had not raised any objections in respect of the Kasauli property being included.

8. In view thereof, these would be independent applications and shall not be treated as a review or a modification.

9. This matter is not a part-heard matter.

10. List before the Roster Bench on 23rd October, 2024.

PRATHIBA M. SINGH, J.

SEPTEMBER 27, 2024

dj/bh