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

+ CS(OS) 509/2023, I.A. 15991/2023, I.A. 17399/2023, I.A. 22663/2023, I.A. 29688/2024, I.A. 30803/2024

JASWANT SINGH GOHEL

.....Plaintiff

Through: Mr. Nimish Chib, Advocate
versus

HARKISHAN SINGH GOHEL & ORS.

.....Defendants

Through: Mr. Piyush Aroar and Mr. Shankar,
Advocates for D-1 and 3
Mr. Sanjeet Singh, Advocate for D-2
with D-2 in person

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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16.07.2024

1. This Court has heard the arguments of the parties.
2. Defendant no. 1 is in self-occupation of the ground floor. Defendant no. 3 is in self-occupation of the second floor. The third floor is in self-occupation of Defendant no. 2, though he is also a resident of United Kingdom.
3. The plaintiff herein has received the rights to reside on the third floor of the suit property as per the registered memorandum of family settlement between the parties.
4. The grievance of the plaintiff is that though he has been allotted third floor under the settlement, it is a matter of record that there does not exist a third floor in the suit property. The third floor is yet to be constructed. He, therefore, has filed the present petition for enforcement of his rights to the



extent of 1/4th share in the suit property in terms of the Will dated 11.07.2000.

5. As an interim measure, it has been suggested to the counsel for the plaintiff that the plaintiff should apply for a sanctioned plan for construction of the third floor, which application for sanction will be jointly signed by defendant nos. 1 to 3. Upon receipt of sanction, the plaintiff will construct the third floor at his own costs reserving his right to claim a *pro rata* contribution from defendant nos. 1 to 3 towards costs of construction which claim will thereafter be decided in the suit. Appropriate direction can be issued in terms thereof.

6. Learned counsel for the plaintiff and defendants seek time to take instructions on the aforesaid suggestion.

7. At this stage, learned counsel for the parties jointly state that they would like the matter to be referred to mediation so as to enable them to resolve the issues raised by the plaintiff amicably. The matter is referred to Delhi High Court Mediation and Conciliation Centre ('Mediation Centre'). The Secretariat is requested to appoint a Senior Mediator.

8. List on 06.08.2024 at 2:30 P.M. before the Mediation Centre.

9. List before Court on 11.11.2024.

MANMEET PRITAM SINGH ARORA, J

JULY 16, 2024/msh/sk