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

+ **CS(OS) 479/2024 and I.A. 31315/2024**

GARNISH ARORA

.....Plaintiff

Through: Mr. K.K. Malhotra, Adv.

versus

SUNITA ARORA & ORS.

.....Defendants

Through: Mr. Ajit Pratap Singh and Mr.
Kameshwar Pratap Singh, Advs. for
D-2

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

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29.04.2025

I.A. 47240/2024 (under Order XXXIX Rule 4 read with Section 151 CPC, 1908)

1. Heard learned counsel for the parties.
2. Learned counsel for the applicant-defendants contends that so far as properties No.3, 4, 5, and 6, as captured in paragraph No.4 of the order dated 31.05.2024, are concerned, the same had already been sold prior to the passing of the said order.
3. He further submits that property No.1, i.e. shop No.4A GD ITL Twin Tower B-09, ground floor at Netaji Subhash Place, Pitampura Delhi 110034, is purchased by defendant No.2, out of his own funds.
4. However, the aforesaid contention is opposed by learned counsel for the plaintiff, who contends that the suit with respect to the said property is pending at the instance of the said defendant before the Civil Court. He,

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therefore, submits that the said property has been purchased from the common funds of the ancestors of the parties. According to him, even the said property deserves to be partitioned.

5. Without going into the merits and the contentions raised by learned counsel for the parties with respect to property No.1, the Court grants liberty to defendants to move an appropriate application, if they intend to induct any tenant thereto. Once such an application is filed, the same shall be considered in accordance with law.

6. So far as properties No.3, 4, 5, and 6 are concerned, since the contemporaneous documents have been brought on record to indicate that the same were sold prior to the passing of the interim order dated 31.05.2025, as such, the interim order dated 31.05.2024 is modified to the extent that the said order shall not have any application *qua* properties No.3, 4, 5, and 6.

7. Ordered accordingly.

8. I.A. stands disposed of.

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9. List the matter on 13.05.2025 before the Delhi High Court Mediation and Conciliation Centre to explore the possibility of an amicable settlement between the parties.

10. List on 15.07.2025 before the concerned Joint Registrar for recording of the evidence etc.

PURUSHAINDR KUMAR KAURAV, J

APRIL 29, 2025/DPA/SP

Click here to check corrigendum, if any

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